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ABSTRACT

Thirty-eight dialogues are presented, each illustrating a common, real-life interpreting situation involving medical and/or legal issues and terminology. Each involves both Spanish and English languages, and the situations are specific to New South Wales, Australia. They are designed to be used as a resource in teaching interpreting. The situations occur: at the offices of medical practitioners (specialists (audiologist, cardiologist, general practitioner, ear/nose/throat specialist, neurologist, oncologist, pediatrician, urologist, family planning center); in medico-legal contexts (insurance claims); in police contexts (interviews, answering charges, breath analysis, rape); and in legal contexts (legal aid, lawyer's office, courtroom, compensation claims, divorce, hearings, mediation, consumer claim, acting as a witness, giving evidence, litigation). English-Spanish and Spanish-English glossaries are provided for medical, legal, and technical vocabulary. Contains 13 references. (MSE)

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University of Western Sydney

Macarthur

The National Languages and Literacy Institute of Australia

Language Acquisition Research Centre

Sandra Hale

BILINGUAL ENCOUNTERS

Spanish-English Medical and Legal Dialogues

A PRACTICAL RESOURCE FOR EDUCATORS AND STUDENTS OF INTERPRETING

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Interpreting and Translation Publications Series, No.1, January 1996

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Sandra Hale

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A PRACTICAL RESOURCE FOR EDUCATORS AND STUDENTS OF INTERPRETING

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FOREWORD

The Language Acquisition Research Centre at the University of Western Sydney - Macarthur is very pleased to have the opportunity to publish this book of interpreting dialogues. Teachers of interpreting will know that their programs are voracious of time and teaching materials, and that high quality dialogues are particularly difficult to find, let alone write. What is very pleasing about these materials is their quality. Sandra Hale is not only a very competent and experienced interpreter, but also a linguist in the academic sense. As a result the dialogues reflect authentic situations in which interpreters find themselves, but are also informed by a profound understanding of the nature of discourse and the pragmatics of interpreting.

LARC's interest in interpreting and translation goes beyond merely publishing classroom materials. While we are principally concerned with how grammar is acquired in language learners, we have become very interested in the acquisition of discourse level language skills, and it is here that the link with interpreting and translation can be found. One way of looking at interpreter and translator training is to consider it as a process of developing discourse skills - the language learning that goes on when the mechanics of sentence level structure have been well established. Sandra Hale's materials provide the means for teachers to explore with their students the subtleties and complexities of the rich human interactions that take place in the working lives of interpreters.

Stuart Campbell
Director, LARC

PREFACE

I have used the dialogues in this book for a number of years in the training of my Interpreting students at the University of Western Sydney - Macarthur, and have found them a valuable resource. I thought other Interpreter trainers and trainees might also find them useful, and so I decided to compile them into a book. The purpose of the book is to add to the very small collection of training material in the field of Community Interpreting. The book will be best utilised in classroom situations where the dialogues can serve as role play scripts and where the educator can guide students in their practice.

The dialogues are based on real life situations where I acted as interpreter or from court transcripts. Some of the dialogues were written in Italian by a fellow interpreter, Ezio Scimone, and later translated by me into Spanish.

I have tried to keep the language as close to spoken language as possible, although this was very difficult when I was writing from memory. I must point out that in real life, utterances tend to be a lot more incoherent and disjointed than how they appear on this book. The reader will note that repetitions, hesitations, backtracking and ungrammaticalities, so common of spoken language, are rare in these dialogues. For this I must apologise, because it is those features that make community interpreting, the interpretation of unprepared, and often uneducated speech, so much more difficult. However, I decided to give a more or less polished version realising that it is very difficult to read authentic spoken language, and thinking that some of the features mentioned above could be added by the students when acting out their parts.

I have highlighted the words I considered to be specialised or technical and have included them in the glossaries that appear at the back of the book. The glossaries are divided into areas where the terms appear in alphabetical order. I must emphasise that the entries are not exclusive and should only be considered in the context of the dialogue where they appear. Some of the terms in the glossary have a (2) next to them. This means that no suitable equivalent was found, and that the target term is only a vague suggestion. There are many words and expressions which are pragmatically difficult to interpret that I have not included in the glossary. I trust such words and phrases will be identified and used as topics of discussion by the educators.

The situations are very specific to New South Wales, Australia, however, I am sure the resource can be useful to other areas. All names, addresses and dates are fictitious.

I apologise for any inaccurate or out of date information, especially with regards to the various professions represented in the dialogues. The book does not attempt to be a reference book, as I said before, its aim is to provide material for Community Interpreting practice.

I must now thank all those anonymous people for whom I have interpreted during my many years as community interpreter, for providing me with the material for this book. I would also like to thank all my students at the University of Western Sydney - Macarthur, for having role played and given life to these dialogues for the last five years.

I hope this first attempt to capture a little of what bilingual encounters comprise, will serve as a useful tool to help train the very valuable professionals that community interpreters are.

Sandra Hale

MEDICAL DIALOGUES

Dialogue 1

At the audiologist

Mr Carreras, a retired man from Uruguay, goes to the audiologist to have his hearing assessed.

DOCTOR-Hello Mr Carreras. Tell me, what is wrong with your hearing and when did you start having problems?

PATIENT-Bueno el problema es que no puedo oír casi nada con el oído izquierdo y sólo me empezó después de volver de Uruguay hace unos tres meses. Yo creo que tiene que haber sido el avión, porque se me taparon los oídos y después me empecé a quedar sordo.

DOCTOR-The blocking of the ears when the plane is landing is normal, everybody feels that. Now, do you feel noises in your head, and does it feel full of water?

PATIENT-Sí, a veces siento zumbidos como de abejas, a veces siento inflamación, como si estuviera resfriado. Es una sensación muy incómoda.

DOCTOR-Have you ever worked in noisy places?

PATIENT-Ya hace 14 años que no trabajo, pero trabajé por 45 años en lugares ruidosos, quizás eso tenga algo que ver. También pensé que podría tener cera.

DOCTOR-Let's have a look. No, there is no wax there, it looks clear. We'll do a hearing test now, so please take a seat in the booth. All you have to do is press the button every time you hear a noise, no matter how soft it is.

(After the test is completed)

The results show that you have deafness in the left **inner ear**, this means that you have problems with high frequencies. With the left ear you can only hear the vowels and not the consonants of a speech when there is interfering noise. Apart from that, the **eardrum** and the bones are fine.

PATIENT-¿Qué se puede hacer para rectificar el problema entonces?

DOCTOR-The only thing that can be done at this stage is for you to wear a **hearing aid**, since the loss of hearing is irreversible. I will take an impression of your ear now and send it off to the technicians. The hearing aid will be ready for you to collect in two weeks' time.

NOTES:

Dialogue 2

At the cardiologist

Mrs Andrade, a woman from Spain, goes to see the cardiologist about her heart condition.

DOCTOR-Hello Mrs Andrade. How have you been?

PATIENT-Esta semana un poco mejor.

DOCTOR-Did you go to the dietician as I asked you to?

PATIENT-Sí fui. Me pesó y dijo que por mi estatura mi peso estaba bien. Dijo que usted se había asustado sin razón. También me tomó el nivel de colesterol y me dijo que a mi edad ese nivel era normal.

DOCTOR-Which dietician did you see? Was it Mrs Tran or the new one?

PATIENT-No, no se llamaba Tran, se llamaba....¿cómo era? Ah, creo que Stephenson o algo así. Era una muchachita joven.

DOCTOR-Well, she obviously doesn't know what she's talking about. When a person loses weight dramatically, as it has been in your case, it can be for two reasons: one, because he/she is not eating as much as they used to, and two, because there is a malignancy in the body. That is why before taking action, we send our patients to a dietician.

With regards to your cholesterol level, the internationally agreed normal level of cholesterol, regardless of age, is 5.2. Your level is 6.5. In your case it is quite alarming because you've had a **heart attack** and have blocked arteries. A high cholesterol level will help block the **arteries** even more.

The dietician was supposed to give you a diet to help you reduce the level of cholesterol.

PATIENT-Entonces mejor sería que me enviara a ver a otro dietista, ¿no?

DOCTOR-Yes, we'll do that.

PATIENT-Doctor, mi marido me dice que por qué no me opero, ya que tengo las arterias obstruidas y usted dijo que no se puede hacer nada para destaparlas. En realidad, a mí no me gusta mucho la idea de una **intervención quirúrgica**, pero si es necesario lo tendré que aceptar.

DOCTOR-I will explain what the situation is. The heart has three arteries. When only one is blocked, the problem is not too serious, but when they are all blocked, as in your case, it is, and the question of a **by-pass operation** arises.

At the moment your heart is functioning normally, despite the blocked arteries. The attack hasn't damaged the muscle severely, and you haven't been feeling chest pain. That is why we haven't considered operating yet, and we are trying to improve the situation by providing you with a proper diet that will reduce your cholesterol level. However, as soon as you start feeling chest pain, we will consider an operation.

PATIENT-Por el momento no siento dolor pero sí **opresión** en el pecho. ¿Eso es lo mismo?

DOCTOR-No, it's not. Have you got any other questions?

PATIENT-No, lo único que le quería decir es que necesito otra **receta** para los **comprimidos** porque ya se me están acabando.

DOCTOR-Very well. Here you are. I want to see you in two month's time and take another **ECG**. I will also send you to another dietician. My secretary will make the appointment for you. Goodbye.

PATIENT-Adiós doctor y gracias.

NOTES:

Dialogue 3

Mrs Romero goes to see the doctor regarding some symptoms she has never had before.

DOCTOR-Good morning Mrs Romero, I haven't seen you for a few years now. I was about to tell my secretary to write you a letter to tell you that you were well due for a check up. How have you been? Obviously feeling well, otherwise I'd had seen you sooner.

PATIENT-Disculpe doctor por no haber venido antes, la verdad es que me dejé estar mucho. La razón que me trajo a verlo hoy es que hace un tiempo he estado teniendo mucha sed, orinando más de lo normal, casi cada 10 minutos, y he perdido mucho peso. ¿Qué puede ser?

DOCTOR-They sound like the **symptoms** of **Diabetes**. Have you got a history of diabetes in your family?

PATIENT-Sí. Mi abuela murió con **Arterioesclerosis**, que según tengo entendido es una complicación de la diabetes. También tengo dos tías y un tío que padecen la enfermedad, pero yo pensaba que era porque comían comidas con mucha azúcar.

DOCTOR-Diabetes is in fact hereditary, you can't contract it by eating sugar or any type of food, but it can be controlled through the implementation of a proper diet, and sometimes tablets or injections. Your chances are high, but first we must confirm it. I'll get you to give a **urine sample** in this jar, bring it back and I will test it for **glucose**.

(After the test has been completed)

Just as I had expected. You have what is called Type 2, or **non-insulin-dependent Diabetes**. Don't worry though, as I said before, although it cannot be cured, it can be treated. In Australia alone there are approximately 300,000 diabetics.

PATIENT-Ay doctor, ¡qué mala noticia! Nunca pensé que yo podría ser condenada a tal estado. No quisiera que me pasara lo que le pasó a mi pobre abuela, y hasta he escuchado que los diabéticos llegan a quedar ciegos. ¿Es verdad todo eso? ¿qué debo hacer para prevenirlo?

DOCTOR-There is no need to panic, Mrs Romero. Those complications can only arise if the patient doesn't follow doctors' instructions, but that won't be the case with you. You will be under my supervision and everything will be all right.

First of all, we have to look at your diet. You will have to avoid sugar rich products such as alcohol, cakes, soft drinks and any type of sweet. I will give you a chart that will specify the foods you can and can't eat.

You will have to take a dose of this medicine to help maintain normal blood glucose levels. We'll see how you go with this, if it doesn't help, you may require the addition of **insulin**.

PATIENT-Y a mí que tanto me gustan las tortas y los dulces. ¿Cuántas veces por semana voy a tener que venir a verlo? La verdad es que se me va a hacer muy difícil si lo tengo que ver seguido porque ahora estoy trabajando y me queda bastante lejos de aquí.

DOCTOR-You will only need to come once a month because I will give you this testing instrument which you will use for home monitoring. You must remember to fill out the chart that comes with it and bring it next time you see me. And don't despair, the diagnosis doesn't mean you are an invalid for life.

PATIENT-Muchas gracias doctor, trataré de no desesperarme.

NOTES:

Dialogue 4

At the Ear,Nose and Throat Specialist

Mr Gonzalez goes to see the Ear, Nose and Throat specialist to get a diagnosis on his condition.

DOCTOR-Hello Mr Gonzalez. Dr Corner wasn't able to find anything wrong with you. We still don't know what's causing your pain.

PATIENT-¿No encontraron nada en las **placas** de la garganta?

DOCTOR-No, the **X-rays** did not show any abnormalities. Dr Corner mentions some **tenderness** in the back of your neck though.

PATIENT-Sí. hace muchos años que tengo las cinco vértebras de arriba afectadas, y reumatismo en el cuello, pero ahora tengo un dolor horrible en el oído.

DOCTOR-Well, that makes more sense, it is not uncommon for rheumatism in the neck to cause pain in the ear.

PATIENT-No, no creo que sea eso porque hace muchos años que tengo reumatismo en el cuello y el dolor en el oído lo empecé a sentir hace sólo dos años. No fui al médico antes porque estoy cansado de tantos estudios. En El Salvador me hicieron dos operaciones de las **amígdalas** que me dejaron muy mal, me quedó la garganta muy sensible y por eso me quedé medio asustado.

DOCTOR-Well, I can't be certain as to what is wrong with you yet. I think it might be the neck but there are some other tests we must do before we can arrive at a diagnosis. Now, I will have to put a light inside your nose to explore it, don't worry, it won't hurt.

No, there is nothing wrong there either.

PATIENT-¿Qué haremos ahora entonces?

DOCTOR-I want you to have those tests done and come and see me again in two weeks.

PATIENT-Bueno, seguiremos con los estudios. Adiós doctora.

NOTES:

Dialogue 5

At the neurologist

Mr Perez goes to see his doctor to find out the results of his tests.

DOCTOR-Hello Mr Perez, we received the results of the tests for your nerves and they showed no damage or abnormalities in your veins. This means that there is no need for an operation.

PATIENT-¡Ah qué bueno!

DOCTOR-How have you been? Have you been taking the medication I prescribed?

PATIENT-Sí, me está haciendo muy bien para el dolor de las manos, los brazos y las muñecas, ese dolor me lo ha aliviado mucho, pero también me ha afectado mucho el estómago, anoche no pude dormir del dolor y la gastritis.

DOCTOR-Yes, it's common for this medication to upset the stomach. I'll give you another one to protect the **lining of the stomach**, to stop the irritation.

PATIENT-Y ¿Qué pasa con los pies? ¿Por qué me sigue el dolor en los pies?

DOCTOR-The pain in the feet is the same as the pain in the hands but because you are walking on them all the time, it will take longer for the medication to take effect in the feet.

I think what you have is an inflamation of the nerves in your hands and feet, which is causing the **stiffness**, **numbness** and the pain in the **joints**. If it gets worse, I will have to prescribe a special medicine which must be taken together with the two I have already prescribed, but we'd better try these two alone first and wait and see how you go with them.

PATIENT-Bueno, muy bien. Espero que estas dos sean suficientes porque no me gusta tomar tantos remedios. ¿Cómo los tengo que tomar?

DOCTOR-You have to take two in the morning and two in the evening. Take the first two before breakfast and dinner, and the second two after breakfast and dinner. I don't think we will need any more tests for now, so I will see you in two months.

NOTES:

Dialogue 6

At the oncologist

Mrs Flores goes to the ***oncologist*** *to have her breasts checked for cancer.*

DOCTOR-Hello Mrs Flores. You were here two years ago, in 1993, is that right?

PATIENT-Sí, tiene razón. Usted me revisó y me hizo la operación hace dos años. Ahora me tiene aquí de vuelta porque me parece que me volvió el **bulto** en el pecho izquierdo.

DOCTOR-Unfortunately, when the appointment was made, the secretary from the hospital told our secretary here that you were a first time patient, so your file wasn't sent from the hospital. So, since I haven't got your file with me I'll have to ask you a few questions.

PATIENT-No se haga problemas. Yo puedo contestar cualquier pregunta.

DOCTOR-How long were you in hospital for and how many **lumps** did we remove?

PATIENT-Creo que dos días y fueron dos bultos los que me quitaron.

DOCTOR-When did you notice this last lump?

PATIENT-Hace como 6 meses.

DOCTOR-Could you please take your blouse and your bra off, I need to check it.

Yes, it's another lump of fat. You may get dressed now.

It is very common for fat to accumulate and create **nodules** which can reappear every two or three years. They're not cancerous cells, you've got nothing to worry about. You'll have a quick operation. You'll only need to stay in hospital for the day.

PATIENT-¿Me va a doler como la otra vez? Después de la última operación me quedó el brazo muy dolorido por meses.

DOCTOR-Did it really hurt last time? I wasn't aware of that. We'll make sure it won't happen this time.

PATIENT-Hace un mes tuve una operación a la **vesícula** y no me dolió nada.

DOCTOR-Yes, that's because of the new lasers. You only had two small cuts, didn't you?

PATIENT-Sí, dos, y me pasaron un tubito por el **ombligo**.

DOCTOR-Now, are you **allergic** to anything?

PATIENT-No, no que yo sepa. Doctora, ya que el bulto no es peligroso, ¿es necesaria la operación?

DOCTOR-Yes, because the lump will continue to grow and it will become very painful. The bigger it is the more difficult it is to remove too. It will take a while for the hospital to give you a date, probably 5 to 6 months, so by then the lump will have grown too.

My secretary will ring the hospital to make all the arrangements, and then the hospital will send you a letter with all the details.

NOTES:

Dialogue 7

At the Paediatrician

Mrs Blanco takes her son to the ***paediatrician*** *because he has not been well for some time.*

DOCTOR-Hello Mrs Blanco, how are you? I haven't seen you for a long time, what brings you here today?

PATIENT-Hola doctor, ¿cómo está usted? Hoy no lo vengo a ver por mí sino por mi niño que hace unos días se encuentra muy mal.

DOCTOR-Really? What's wrong with Carlos?

PATIENT-Hace como unos cinco días empezó a tener **fiebre** y a **toser**. También tenía la nariz congestionada y los ojos rojos, eran todos los síntomas de un **resfrío** o una **gripe** así que no me preocupé. Después de unos dos o tres días desde que comenzó a enfermarse, le noté unos puntitos blancos, como escamas, en la boca. Por eso me empecé a preocupar y lo traje para que usted lo atendiera.

DOCTOR-Let me see, just as I'd suspected, he has **Measles**.

PATIENT-¿**Sarampión**? Y ¿Éso es muy peligroso? Ya sé que todos los chicos padecen enfermedades infecciosas pero tenía entendido que una de ellas era muy peligrosa, ¿no es el Sarampión?¿no?

DOCTOR-I think you are talking about **Smallpox**, Mrs Blanco, that has been erradicated in Australia.

PATIENT-Ah, bueno.

DOCTOR-Measles is a **rash** which starts behind the ears and on the face and then spreads onto the **chest** and **back**. It reaches its peak in two days or so, by which time the youngster feels better, although the **cough** persists until the end of the illness.

PATIENT-Doctor, yo tengo dos niños más, ¿Qué puedo hacer para que no se contagien?

DOCTOR-Well it's too late now because by the time the rash appears the child has been infectious for a week, so there is no need to isolate him from the other members of the family. Your other children would have already caught the infection by now.

PATIENT-Bueno, después de todo mejor, prefiero que estén todos enfermos juntos, es menos trabajo. Dígame doctor, ¿qué remedios tienen que tomar?, ¿antibióticos?

DOCTOR-No. Because Measles is a **viral infection**, antibiotics are not needed, unless there is a complication like an ear infection, which is not uncommon. Keep the child in bed and use aspirin to control the temperature. A **cough syrup** will help alleviate the cough.'

PATIENT-¿Puede haber alguna otra complicación aparte de la infección al oído?

DOCTOR-Chest infections may also occur and very rarely a more serious complication arises, like brain infection, **encephalitis**, which may cause permanent **brain damage**. But if your children have been **immunised** you shouldn't worry.

PATIENT-¡Ay doctor, no me asuste! Por suerte los tengo a todos vacunados.

DOCTOR-You shouldn't worry, everything will be alright, keep him in bed and bring in the others so that I can have a look at them too. Carlos should be fine in about a week.

PATIENT-Bueno, mañana mismo le traigo a los demás. Adiós doctor, y gracias.

DOCTOR-Goodbye.

NOTES:

Dialogue 8

At the Urologist

*A visit to a **urologist**. The client arrives half an hour after the appointment time.*

SECRETARY-Ah... there you are. Do you realise that you are half an hour late?

PATIENT-¿Cómo tarde? si me habían dado hora para las 9.30, y recién son las 9.15.

SECRETARY-The appointment was for 9 o'clock. Didn't you know?

PATIENT-No señor, la cita era para las 9.30. Así me dijo la señorita por teléfono cuando llamé para concertar fecha.

SECRETARY-Did you keep the diet?

PATIENT-¿Dieta? ¿Qué dieta? *(laughs)* Si no estoy tan gordo como para hacer régimen.

SECRETARY-You weren't supposed to eat after nine o'clock last night. Did you eat anything? Did you have your breakfast this morning?

PATIENT-Claro que he desayunado, no puedo estar sin desayunar. Además si no me avisan ¿cómo puedo saber yo lo que tengo que hacer?

(The secretary looks puzzled. Mr Soto seemed to understand, when she talked to him over the telephone... she even asked him if everything was clear!)

SECRETARY-Please take a seat, Mr Soto.

DOCTOR -Mr Soto?

PATIENT-Yes!

DOCTOR-Please come in. I am Doctor Weiss. Your name is Juan... Soto?

PATIENT-Soto. Juan Soto.

DOCTOR-Tell me about your problem, Mr Soto.

PATIENT-Mi problema es que cada vez que voy al baño a **orinar**, me duele.

DOCTOR-Every time?

PATIENT-Sí, siempre, a veces más, a veces menos.

DOCTOR-Where do you have the pain?

PATIENT-Me viene cuando tomo leche, por eso pensaba que quizás podría ser **colitis**, porque la colitis es causada por la leche, ¿no? Pero mi médico me dijo que eso no era.

DOCTOR-Can you indicate where you have the pain?

PATIENT-Sabe que yo no le había dado mucha importancia, pensé que no era nada de qué preocuparse, pero después de haber tenido **relaciones** con mi mujer ella también siente los mismos síntomas.

Me han dicho que puede ser cualquier cosa. No creo tener ninguna **enfermedad venérea**, porque yo sólo tengo relaciones con mi señora.

DOCTOR-The pain is in the **penis**?

PATIENT-Sí, en el **miembro** mismo, y también me duele la **vejiga**.

DOCTOR-How long have you had this pain?

PATIENT-Y.. ya hace bastante.

DOCTOR-Can you be more specific?

PATIENT-Harán unos siete, ocho meses.

(Doctor and patient go behind a screen. Doctor examines the patient, then goes back to his desk. Client comes out after a while)

DOCTOR-Mr Soto, you have a **hernia**. Did you know that?

PATIENT-Hace unos veinte años tuve una hernia, cuando todavía estaba en mi país, pero me operaron y me curé.

DOCTOR-Now it's come back, Mr Soto. It's not very serious, though.

PATIENT-Y entonces ¿qué me va a pasar ahora?

DOCTOR-At the moment it doesn't require treatment by **surgery**. But it may be the hernia that causes the **burning** sensation you are complaining about.

Another cause could be the **prostate**. And your prostate is enlarged. How old are you, Mr Soto?

PATIENT-Tengo 71 años.¿Qué es lo que tengo?

DOCTOR-The prostate.

PATIENT-¿Qué es eso?

(Doctor enquires whether the interpreter or the client wants to know about the organ in question. Interpreter briefly explains he/she knows perfectly what the doctor is talking about; the client wants to know about it)

DOCTOR-The prostate is a gland situated under the **bladder**.

The **urinary tract** goes through the prostate. When the prostate is enlarged, it squeezes the **urinary duct** and you have trouble in **passing water**.

PATIENT-Ah... Sí, ¿y eso se cura?

DOCTOR-It can be treated by surgery, but from inside, not from outside.

I mean, we don't have to cut your **abdomen**, the operation takes place by inserting a special device through the **urethra**.

There is one more thing. I want to be sure that you don't have **stones** in your **gall bladder**. These sometimes may be the cause of the burning sensation like the one you mentioned.

I'll now write a note so that you can have an X-ray taken of your **liver**. You can go and make a booking at the X-ray department of this medical centre, down on the first floor.

I also want to run a **blood test**, a special test, in three stages. I'll tell you about it.

The first test will take place early in the morning. You must not eat anything after 9 p.m. the night before. Understand?

Then you come here the next morning, and I'll take a **sample** of your blood. After that you can go home and have your breakfast.

After you had your breakfast, you have to come back. I'll take a second sample of your blood, then you'll go home again and have lunch as usual.

You have then to come back here a third time, in the afternoon, so that I can take one more sample of your blood. Is that clear?

PATIENT-Sí, entendí todo.

DOCTOR-Now go downstairs and make an appointment for the X-rays.

You won't be able to have it done today, though. It requires certain preparation and you didn't follow the diet the secretary explained to you over the telephone.

After you have made your appointment for the X-rays, come back here and ask the secretary to make an appointment to see me for the blood tests. Is that all clear?

PATIENT-*(without waiting for the interpretation)* Yes, yes, OK *(to interpreter)* Después me lo explica todo usted afuera, sino no nos vamos nunca de aquí.*(Question: what should the interpeter do/say at this point?)*

(Client and interpreter go to the X-Ray department, make an appointment, then they go back to Dr Weiss' surgery for a further appointment)

SECRETARY -And don't forget that next time you have to call the interpreter, Mr Soto.

PATIENT-Sí, sí, no se preocupe que mi hija siempre se encarga de llamarme intérprete.

NOTES:

Dialogue 9

At the Family Planning Centre

Mr Hidalgo, a Chilean migrant, talks to a doctor at the Family Planning Centre about the possibility of having a ***vasectomy****.*

DOCTOR-Hello Mr Hidalgo, I'm doctor Shand. I know a lot about you because I have been reading through your file. You have been here twice, haven't you?

PATIENT-Sí, así es.

DOCTOR-The only thing that worries me is that you seem to be very nervous about the operation.

PATIENT-¿Eso está escrito en la ficha?

DOCTOR-Yes, that's right. I want you to tell me what you're nervous about. What's worrying you?

PATIENT-Bueno, me proecupa un poco la operación. Es lógico ya que es la primera vez que me opero.

DOCTOR-What specifically are you worried about? Are you worried about pain?

PATIENT-Sí, en parte.

DOCTOR-Let me comfort you. You will feel no pain at all because you'll be under the effect of the **aneasthetic**.

PATIENT-¿Será una anestesia local o general?

DOCTOR-We don't have the facilities for a general aneasthetic, if you want that you will have to have the operation at a private hospital, and that will cost a lot more of course. However, a local aneasthetic will be sufficient for the operation. Let me tell you though that the aneasthetic will take away the pain but not the feeling. You'll still feel it when I'm pulling or pushing, but you will feel no pain,

PATIENT-Ah, bueno Lo otro que me preocupaba es si luego me pondré "guatón"[1].

DOCTOR-No, it won't affect your weight at all. If you put on weight later it will be because as men get older they have a tendency to put on weight. What else is worrying you? Are you worried about **side effects**?

PATIENT-Bueno no, no sé.

DOCTOR-Are you worried about your sex life changing?, about your manhood being affected?

PATIENT-Bueno, sí, en realidad eso me preocupa.

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[1]Guatón: A Chilean colloquialism for 'fat' or 'to have a gut'.

DOCTOR-Let me tell you that nothing will change, I will explain the operation in detail so that you can understand and believe what I say. Have a look at this diagram.

(The doctor points to the diagram)

This is the penis, these are the **testicles** where the **sperms** are produced. We will be cutting this tube here, we will then tie and seal the ends. Normally the sperms are able to come from the **testes** through this tube and then through the penis when **ejaculation** occurs, thus causing **pregnancy** in the woman.

On the other hand, your testes also form **hormones** which are carried through to your **blood vessels**. This last procedure won't change at all. The only thing that will change is that the sperms will not be able to get through the penis and you will not be able to father another child for the rest of your life.

If your definition of being manly is to be able to father a child, then this operation is not for you. However, as far as your sex life is concerned, nothing will change, the sensation in the penis, the **erection** and ejaculation will all remain unaltered.

Does it worry you that you will never be able to father another child?

PATIENT-¡Ah no! Con cinco hijos me basta. Mi mujer y yo ya hemos hablado y llegamos a esta conclusión. Ella ha tenido muchas operaciones y ha sufrido mucho, así que es un asunto de conciencia, pienso que ahora me toca a mí. En realidad no me gusta la idea de una intervención quirúrgica, pero es que lo tengo que hacer.

DOCTOR-Well, I'm not trying to stop you from having the vasectomy but I don't think you should have the operation unless you are convinced about having it. If the only reason you're **undergoing the operation** is to prevent you from having children, you should consider other forms of contraception.

PATIENT-¿Hay algún **anticonceptivo** para el hombre?

DOCTOR-Only the condom.

PATIENT-Yo no tengo experiencia con el condón, soy recién llego de Chile y allí hace muy poco que ha aparecido el problema del SIDA, o sea que hasta ahora nadie usaba condón. Ni siquiera he hablado con ningún amigo con respecto a cómo se usa.

DOCTOR-There is no problem about that, I can teach you how to use it. Besides, condoms are not only used to guard you against AIDS, they are also a **contraceptive**. And you can only contract AIDS if you have sex with other women other than your wife and if you have **anal intercourse**.

PATIENT-Sí, ya sé, pero prefiero operarme y así después no me tendré que preocupar de nada. Lo que pasa es que yo soy artista y me dedico más a las cosas bellas de esta vida, a las cosas espirituales y una operación es algo en mi parecer, completamente opuesto a lo que yo hago, ¿no?, la antítesis de mis valores.

DOCTOR-The only side effects that you can experience as a result of the operation are psychological, but that depends on you.

PATIENT-No, yo no me voy a poner a pensar en esto una vez hecha la operación. ¿Cuánto dura la operación?

DOCTOR-Only thirty minutes maximum. Most of my patients talk to me while I'm operating on them, some of them even tell me jokes.

PATIENT-¿Ah sí?

DOCTOR-Have you got any other question?

PATIENT-No, no creo.

DOCTOR-OK then, I will see you on the day of the operation.

NOTES:

MEDICO-LEGAL DIALOGUES

Dialogue 1

Mr Rodriguez goes to see a doctor for the Insurance Company for his ***Compensation case.***

DOCTOR-Hello Mr Rodriguez, I want to tell you first of all that I am not your treating doctor, I'll only be writing a **report** on your condition to send to the **Insurance Company**, so I can't give you any **advice** on treatment. Now, tell me, what happened to you at work and when.

PATIENT-Tuve un accidente en el cual me lastimé tres dedos de la mano derecha el 11 de enero de 1989.

DOCTOR-The 11th of January 1989, was it? And what exactly happened?

PATIENT-Bueno, yo estaba trabajando en una sección en donde también enseñaba a los nuevos empleados, porque yo tenía mucha experiencia y conocía mucho el trabajo...

DOCTOR-Hang on a minute, what type of work did you do?

PATIENT-Era operador de máquinas.

DOCTOR-A machine Operator, what type of machine? What did the machine make?

PATIENT-En esa fábrica hacíamos cubiertas, o mejor dicho, tapas de discos, de cartón, pero como le estaba diciendo...

DOCTOR-Just answer my question, one thing at a time, I have to write down all of this you know. Now, what happened on the 11 January 1989?

PATIENT-Bueno, estaba enseñándole a un muchacho nuevo a usar la máquina, y esa máquina, que era una máquina pequeña, las otras máquinas eran mucho más grandes, no funcionaba del todo bien, siempre se le quedaba algún pedazo de papel trabado entre los **rodillos**, y una parte de atrás se venía hacia uno para pegarle, así que uno tenía que sacar ese pedazo de papel con cuidado y darse vuelta para observar que la otra parte no le pegara. Yo no era el único que usaba esa máquina, todos los que la usaban saben que esto es verdad, muchas veces se le notificó al **sindicato**...

DOCTOR-Stop! What are you talking about? You're not answering my question. I just want you to tell me briefly how you **injured** your hand. Just answer the questions as briefly as you can, when possible with just a Yes or a No.

PATIENT-Bueno entonces cuando fui a sacar ese pedazo de papel de entre los rodillos, miré para atrás para que no me pegara la otra parte de la máquina y fue ahí cuando se me fue la mano derecha entre los rodillos y me quebró estos tres dedos, o sea el **mayor**, el **anular** y el **meñique**.

DOCTOR-Right, what happened then? Were you taken to hospital? Which hospital?

PATIENT-Me llevaron al Royal Sydney Hospital y ahí me operaron la mano, el único dedo que no me pudieron curar fue el mayor porque se dañó mucho el nervio.

DOCTOR-Did you go back to work?

PATIENT-Sí, pero después de unas tres semanas.

DOCTOR-Did you go back to normal duties or to **light duties**?

PATIENT-Bueno, volví a hacer trabajo liviano porque sólo entrenaba a los nuevos empleados, yo no tenía que operar las máquinas.

DOCTOR-Did you take any time off after you went back to work?

PATIENT-Sí, me tomé como unos diez días.

DOCTOR-Was that all at once or was that in different stages?

PATIENT-Fueron los diez días juntos, fue para hacerme la **acupuntura**

DOCTOR-Did that help you?

PATIENT-No, no me hizo nada.

DOCTOR-Are you still working there?

PATIENT-No, porque la fábrica cerró.

DOCTOR-Where are you working now?

PATIENT-Ahora estoy trabajando para una compañía de limpieza como supervisor.

DOCTOR-O.K. What are your present symptoms?

PATIENT-Me duele mucho el dedo mayor, perdí toda la fuerza en los tres dedos afectados, y el dolor me sube de los dedos hasta el **hombro**, o sea, me duelen los dedos, el brazo y el hombro.

DOCTOR-And do you feel the pain all the time or does it come and go?

PATIENT-No, el dolor lo siento siempre en la mano pero a veces lo siento más fuerte que otras, en el brazo y en el hombro lo siento de vez en cuando, cuando siento el dolor más **agudo** en la mano.

DOCTOR-What makes the pain worse?

PATIENT-El tiempo húmedo y cuando uso mucho la mano, cuando trabajo o escribo mucho.

DOCTOR-What alleviates the pain?

PATIENT-Cuando descanso.

DOCTOR-Do you feel any other symptoms?

PATIENT-Sí, a veces siento que las **venas** se me **encogen**, desde el dedo mayor hasta el hombro. También se me **duermen** mucho los dedos.

DOCTOR-OK. Now I will examine you. Could you please take your shirt off.

NOTES:

Dialogue 2

Mrs Garcia goes to see a specialist at the request of her doctor regarding an injury sustained at work.

DOCTOR-Is it a back problem, is it?

PATIENT-Sí, y de las piernas también.

DOCTOR-Could you please tell me what happened at work?

PATIENT-Bueno, yo estaba trabajando para una compañía de limpieza, limpiando oficinas. A mí me habían tomado para limpiar dos pisos pero después quisieron hacer un experimento y pusieron a un grupo de personas para hacer 8 pisos, pero cada uno tenía que hacer una tarea diferente. Algunos pasaban la aspiradora, otros limpiaban los escritorios...

DOCTOR-What did you have to do?

PATIENT-Yo tenía que vaciar todos los cestos de papeles en una bolsa de basura que estaba en un carrito. Después tenía que empujar el carrito hasta el ascensor donde lo iba a buscar un hombre para vaciarlo.

DOCTOR-OK, so when did you injure yourself and why?

PATIENT-Exactamente la fecha no la sé, pasaron tantos años que ya no me acuerdo. Yo qué iba a saber que ahora iría a necesitar saber las fechas.

DOCTOR-But roughly, what month was it?

PATIENT-Fue en marzo, la primera o segunda semana de marzo.

DOCTOR-Yes, and what happened?

PATIENT-Bueno, ese día cuando fuimos a limpiar nos dimos cuenta de que la noche anterior habían tenido una fiesta, entonces había botellas y otras cosas pesadas en los cestos, y resulta que cuando fui a vaciar el cesto en la bolsa de basura que estaba en el carrito, la bolsa se quedó atrancada, entonces yo tiré con fuerza y fue ahí cuando sentí una **puntada** fuerte en la espalda, o sea un **tirón**, y el dolor después me bajó hasta la **planta del pie**.

DOCTOR-Did you go home then?

PATIENT-No. Seguí trabajando, no le di importancia al dolor, pensé que no era nada y después se me pasó. Al día siguiente, sin embargo, cuando volví a trabajar, noté que me volvía el dolor cuando me **agachaba** o empujaba algo pesado.

DOCTOR-So what happened then, did you go to see a doctor?

PATIENT-Sí, fui a ver a un doctor tonganés que vivía en frente de casa. El me dijo que pensaba que lo que yo tenía era más que un simple problema muscular. Entonces me dió unos **calmantes** para el dolor y un certificado para trabajo liviano.

DOCTOR-Were you given light duties at work?

PATIENT-Me dijeron que siguiera trabajando en el mismo lugar por una semana más y que después me pondrían otra vez en mi trabajo antiguo, pero el dolor me seguía, así que volví al médico y él me mandó a un especialista en Auburn, que me hizo sacar radiografías y me mandó a ver a un **fisioterapeuta**.

DOCTOR-What was his opinion?

PATIENT-Me dijo que la única manera de curarme era si dejaba el trabajo.Yo le comenté esto al jefe y él me mandó al Centro de salud para trabajadores, creo que así se llama, para ver cuál era la opinión de ellos.

DOCTOR-So what did they tell you at the Workers' Health Centre?

PATIENT-Me dijeron lo mismo que me había dicho el especialista, así que le conté nuevamente al jefe y él me aconsejó que entonces me fuera porque si yo iba a estar faltando tanto tiempo para hacerme la fisioterapia ellos me iban a tener que echar. Así que me fui, pero nunca me pagaron la última semana, así que por eso fui a ver a un abogado.

DOCTOR-If you hadn't injured yourself at work then, would you be working now?

PATIENT-Bueno, no creo, porque unas semanas después de haberme ido del trabajo quedé embarazada y ahora con el nenito chiquito no puedo trabajar. Pero siento mucho dolor en la espalda y en las piernas cuando baño y cambio al bebé y también cuando paso la aspiradora y cuando voy a hacer las compras, por las bolsas pesadas.

NOTES:

Dialogue 3

Mrs Fuentes goes to see a specialist at the request of her solicitor for the purposes of obtaining a ***medical report*** *for her* ***compensation claim****.*

DOCTOR-Hello, you are Mrs Fuentes, are you?

PATIENT-Yes

DOCTOR-*(To the interpreter)* And you are..., the daughter?

INTERPRETER-No, the interpreter

DOCTOR-A friend, are you?

INTERPRETER-No, I am a professional interpreter.

DOCTOR-Oh, right, I'd never heard of that profession. Please ask Mrs Fuentes how she sustained her injuries.

PATIENT-El accidente ocurrió el 9 de agosto de 1989, mientras esperaba el ómnibus.

DOCTOR-Did you fall as you were getting on the bus?

PATIENT-No. Yo estaba esperando el ómnibus en la parada y de repente veo venir dos coches por la calle a toda velocidad, y veo que uno viene **chocando** al otro. El que estaba adelante entró en una casa, más o menos a unos ocho metros de donde estaba parada, y el otro lo siguió y lo chocó de atrás.

Depués ocurrió lo insólito. El coche que chocó al otro de atrás, en vez de bajarse a la calle, se subió a la vereda donde estaba yo y me empezó a perseguir. Yo no lo podía creer. empecé a correr pero me alcanzó y me atropelló de atrás. Perdí el **conocimiento**.

DOCTOR-That is really amazing. Did you know the person?

PATIENT-No. Nunca lo había visto en mi vida. La policía después me dijo que seguro que me quería matar para no tener testigos del choque que causó a propósito. La policía también me dijo que el coche era robado, así que no lo pudieron localizar.

DOCTOR-So you were left **unconscious**. What is your next recollection after that?

PATIENT-**Volví en mí** cuando estaba en la ambulancia. De ahí me llevaron al hospital donde me tuvieron hasta la noche. Tenía el **tobillo** derecho **fracturado** y no sé qué otra cosa. Me **enyesaron** la pierna entera.

DOCTOR-Yes, I can read that in the hospital report. What treatment have you had?

PATIENT-Un montón de **pastillas**, para el dolor, para dormir... pero ya no las puedo tomar más porque me causaron una **úlcera** en el **páncreas**. Ahora el médico me recetó **supositorios**. También he estado yendo a fisioterapia desde el accidente, ya hace tres años.

DOCTOR-What are your current symptoms?

PATIENT-Me duelen muchísimo la espalda y el cuello, me da una **tortícolis** tremenda, también me duele el pecho. No tengo control de las piernas, uso bastón pero igual me caigo en cualquier lado. Se me **doblan las rodillas**, me dan **calambres**...ah, no sé, estoy hecha una "piltrafa"[2].

DOCTOR-What things can you no longer do?

PATIENT-Bueno, en realidad ya no puedo hacer casi nada. Yo siempre fui una mujer muy activa. Me encantaba decorar la casa, pintaba las paredes, arreglaba el jardín, limpiaba la casa...ahora no puedo hacer nada.

DOCTOR-I need to get some personal details now. Are you married?

PATIENT-Sí, pero separada hace dos años.

DOCTOR-Did you get separated as a result of the accident?

PATIENT-Sí, mi marido me dejó porque decía que yo ya no servía para nada, que ya no lo servía a él como antes ni limpiaba la casa, y que lo único que sabía hacer era quejarme de los dolores. Imagínese, después de cincuenta años de casados no me pudo aguantar enferma.

DOCTOR-So, do you live alone or with somebody now?

PATIENT-Vivo con mi hijo y su familia. Ellos son muy buenos conmigo, no me dejan hacer ningún quehacer doméstico. Tengo una nieta grande, ella me tiene que bañar y vestir porque yo no puedo hacerlo sola.

DOCTOR-How old are you now, Mrs Fuentes?

PATIENT-Tengo setentaitrés. Tenía setenta cuando me atropelló el auto.

DOCTOR-Alright, I will examine you now.

(After the examination is completed)

DOCTOR-That is all I need. I will write a report and send it to your solicitor. Goodbye.

PATIENT-Adiós.

NOTES:

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[2]Piltrafa: Colloquialism used by Uruguayans and Argentinians to mean "a wreck"

POLICE DIALOGUES

Dialogue 1

Jorge Gallo, a Chilean migrant, is at the Police station for the purposes of a ***Record of Interview****.*

POLICE-On 5th November 1990 you were driving along Burwood Rd, is that correct?

ACCUSED-Sí.

POLICE-Where were you going to and where were you coming from?

ACCUSED-Iba para mi casa y venía de dejar a mi amigo en su casa. Él me había estado enseñando a manejar.

POLICE-You only held a Learner's Permit, is that right?

ACCUSED-Sí.

POLICE-And you knew that you could not drive on your own, correct?

ACCUSED-Sí, pero como yo vivo muy cerca nunca pensé que iría a tener problemas.

POLICE-A few metres from the set of lights on Liverpool Rd there is a pedestrian crossing, were you aware of that?

ACCUSED-Sí, lo había visto antes pero en ese momento no pude frenar, yo creo que me fallaron los frenos.

POLICE-You agree that you then hit an old man who was walking on the **pedestrian crossing**? Do you not?

ACCUSED-Sí.

POLICE-Can you tell us what happened?

ACCUSED-Bueno, yo venía por la Burwood Rd, los semáforos estaban verdes y cuando vi al caballero quise frenar pero no pude.

POLICE-Was it raining or was it a clear day?

ACCUSED-No, no llovía.

POLICE-And it was during the day.

ACCUSED-Sí.

POLICE-Was your car in good condition? or did it have something wrong with the brakes?

ACCUSED-Yo creía que estaba todo en buenas condiciones pero me deben de haber fallado los frenos, si no, no me explico por qué no pude parar.

POLICE-What happened immediately after the accident?

ACCUSED-Yo me bajé del auto para ver si estaba bien el caballero, otro auto también paró y alguien llamó la ambulancia y a la policía. La ambulancia llegó enseguida y se llevó al señor. Era un "gallo"[3] bastante mayor. Después llegó la policía, me hicieron **un parte** y me tomaron todos los **datos personales** y creo que me dijeron que iba a recibir una carta de ellos. No les entendí muy bien porque no entiendo mucho inglés.

POLICE-And did you receive that letter?

ACCUSED-Sí, es esta (*he shows the letter*), era para comunicarme que tenía que venir a la **comisaría** hoy.

POLICE-Is there anything else you would like to say?

ACCUSED-Quisiera saber cómo está el caballero que atropellé.

POLICE-He is alright, I'll tell you more about that when we finish the interview.

This is the conclusion of the Record of Interview. Have you given your answers of **your own free will and choice**?

ACCUSED-Sí.

POLICE-Has anybody made any **threat**, promise or **inducement** while answering your questions?

ACCUSED-No.

POLICE-The interpreter will now read the whole record of interview back to you and you will have a chance to correct anything that has been recorded incorrectly or to add anything you wish. Then you will have to sign every page.

NOTES:

[3]"Gallo": Chilean colloquialism for 'man'.

Dialogue 2

Mr Dominguez is at the Police Station answering to some ***charges*** *laid against him.*

POLICE-I am going to ask you certain questions. You are not obliged to answer unless you wish, but anything you do say will be recorded and may be used in **evidence**.

We have organized a Spanish interpreter to be present so that you will fully understand all the questions and we will understand your answers. If you do not understand the interpreter, please say so.

ACCUSED-Sí, lo entiendo perfectamente bien.

POLICE-What is your full name and address?

ACCUSED-Javier Dominguez y vivo en 5/324 The Avenue, Canley Vale.

POLICE-You know Mr Dominguez that several charges have been laid against you, don't you?

ACCUSED-No. Yo no sabía nada, ¿quien podría hacer tal cosa? y ¿qué cargos son?

POLICE-Your wife is **charging** you with **domestic violence** and your step daughter with **rape**. What do you say to that?

ACCUSED-Digo que es todo una mentira y no puedo creer que ellas hayan dicho eso.

POLICE-Your wife said in her **statement** that you have been **physically abusing** her since you married her five years ago. However, she states that on 12 January this year you were having breakfast with the rest of the family and you asked your wife to pass you the butter and because she didn't do it you started yelling at her and then you grabbed the chopping board that was on the table and started to hit her with it.

ACCUSED-No, así no fue. Yo reconozco que le grité mucho y que le pegué, pero sólo le pegué con la mano, y me imagino que en este país no van a llevar a un hombre a la cárcel por haberle pegado a la mujer, si ella se lo merecía. ¡En casa yo mando!

POLICE-So you admit to the charge.

ACCUSED-Sí, pero no como dice ella, ella exagera.

POLICE-All the children state the same thing plus the fact that you left her unconscious.

ACCUSED-¡Que cosa más ridícula! Claro, ella les lavó la cabeza a los niños para que dijeran lo que ella quería.

POLICE-The second charge is for raping your step daughter. She states that on the same day, after you knocked your wife unconscious, you forced your step daughter into the bedroom, she being younger than 16, **to wit** 14 years old, and you ripped her clothes off and had **sexual intercourse** with her without her consent. What do you say to that?

ACCUSED-Digo que esa niña me odia y siempre me ha odiado porque yo no soy el padre, y ahora me quiere poner en la cárcel para librarse de mí y así no tendrá a nadie que

la rete por llegar tarde a la casa o por no arreglar su cuarto, porque la madre le permite hacer cualquier cosa. Pero no lo va a lograr.

POLICE-Do you **plead guilty** or **not guilty** to this charge?

ACCUSED-Inocente, por supuesto.

POLICE-Well, the girl is pregnant, did you know that?

ACCUSED-¿Ve?, por eso me echa la culpa a mí, la loquita anduvo con alguno y ahora me quiere responsabilizar a mí para salvarse ella.

POLICE-She is going to have some blood tests and other medical examinations done to confirm that what she says is true. The tests will be able to show who the father is and whether she was raped or not. I hope you realise that this is a very serious charge, especially because it involves a **minor**.

If you plead not guilty and then you are found guilty, the judge won't have any sympathy for you and will give you a high **penalty**, however, if you plead guilty and show some **remorse** for what you've done, you might have a better chance.

ACCUSED-A mí qué me importa lo que crea el juez, yo nunca voy a decir que soy culpable porque no lo soy, esa niña sólo está tratando de meterme en la cárcel para librarse de mí. Yo me declaro inocente.

NOTES:

Dialogue 3

Mr Ferreiro has been arrested and brought to the Police station for the purposes of a ***breath analysis.***

POLICE-We were able to get you a Spanish interpreter sir, now we'll be able to understand each other.

ACCUSED-Yo quiero muchas explicaciones....¿Por qué me trajeron aquí?¿Qué derecho tienen estos de detenerme de esta manera sin que yo haya hecho nada?

POLICE-We brought you to the Police Station because you refused to take a **breath test** and we have reason to believe that you are under the influence of alcohol.

ACCUSED-¿Y por qué me voy a rebajar de esa manera? Yo sé que no estoy bajo ninguna "influencia", ¿qué es eso?

POLICE-That means you're drunk, mister.

ACCUSED-Yo no estoy nada borracho, y...¿qué han hecho con mi mujer? Yo no sé dónde está o si la violaron o qué han hecho con ella.

POLICE-Don't worry about your wife, she's fine, nobody has done anything to her, she's in the other room waiting. You're the **suspect**, not her.

ACCUSED-Pero ¿sospechoso por qué?¡No ve que aquí son todos unos racistas! Me **detuvieron** porque yo tengo una calcomanía en la ventanilla trasera con la bandera de mi país.

POLICE-That's all nonsense! we stopped you because you were driving in a very erratic manner. Just answer the questions from now on and blow into this.

ACCUSED-Bueno, voy a soplar para que me dejen tranquilo de una vez por todas.

POLICE-It registers a **PCA** of 0.12 which is **medium range**.

ACCUSED-Eso es mentira, ¡si yo no tomé nada en todo el día!

POLICE-You're going to have a hard time trying to convince the magistrate of that.

ACCUSED-¿Qué magistrado? ¿Ya me están mandando a la corte? Hay tantos **delincuentes** sueltos en la calle, **asesinos**, **violadores**, de todo, y ¡me mandan a mí a la corte que no hice nada!

POLICE-You have committed a serious **offence**, don't you know that the limit **PCA** is 0.05? You could have killed somebody. Now we need your full name and address.

ACCUSED-¿Por qué les tengo que dar esos datos personales si yo no estoy de acuerdo con lo que me acusan?

POLICE-If you think you are innocent, you get yourself a **solicitor** to defend you on the **hearing** day. You might be eligible for Legal Aid. Now, can I have your name and address please?

ACCUSED-Bueno, está bien, no vale la pena pelear con la policía. El nombre es Juan Ferreiro y vivo en 2/234 The Horsley Dr. Villawood.

POLICE-Good. You'll receive a **summons** with the details of the day you have to go to court for **Mention**. Then, on that day, you will get a date for Hearing. As soon as you get the summons, go and see a solicitor, unless you want to plead guilty. OK, that's all. Can your wife drive?

ACCUSED-Sí.

POLICE-OK then, she will have to drive, but first we must get her to have the breath test, if her concentration is low she can drive you both home, if not, you will have to ring somebody to come and get you.

NOTES:

Dialogue 4

Ana Maria Orlando is being questioned by the police in regards to rape perpetrated upon her.

POLICE-My name is ConstableThomas, what is your name?

VICTIM-Me llamo Ana María Orlando

POLICE-What is your date of birth?

VICTIM-Nací el 21.9.80

POLICE-That makes you 15, is that correct?

VICTIM-Sí.

POLICE-Do you go to school?

VICTIM-Sí, voy a la escuela secundaria de Fairfield, pero sólo hace dos meses que empecé porque recién hace seis que llegué de mi país.

POLICE-Where do you live?

VICTIM-Vivo en la Smart St Fairfield.

POLICE-Do you live there with your parents?

VICTIM-No, vivo con mis tíos.

POLICE-I understand that something happened to you yesterday afternoon.

VICTIM-Sí pero de eso no quiero hablar.

POLICE-I understand that you told your gilfriend that something happened yesterday afternoon and because of that you were brought to the Police Station, is that correct?

VICTIM-Sí, el desgraciado me violó.

POLICE-Do you know this bloke?

VICTIM-Sí lo conozco.

POLICE-I realise this is difficult for you but I want you to tell me in your own words what happened.

VICTIM-¿Tendré que ir a la corte?

POLICE-I don't know yet, it depends on what you tell me. Now, where did all this start?

VICTIM-En un callejón que hay detrás de la escuela.

POLICE-You just tell me as best you can what happened.

VICTIM-Todos los martes yo me tengo que quedar en la escuela hasta las cuatro porque tengo clases de inglés especial, así que soy la última en salir de la escuela. Ayer cuando salí empecé a caminar como siempre hacia mi casa. Para cortar camino voy por un callejón que hay detrás de la escuela. Esa calle me lleva derecho a casa. Por ahí no hay nunca nadie, pasa por los fondos de unas fábricas.

POLICE-All right, and what in particular happened yesterday?

VICTIM-Vi que detrás de uno de los edificios me estaba esperando el cuñado de mi tía. Me empecé a asustar porque él siempre me molesta diciéndome cosas que a mí no me gustan, así que siempre traté de estar lejos de él.

POLICE-What sort of things did he always tell you?

VICTIM-Que yo era muy linda y que yo le gustaba más que su esposa y que cuando pudiera dejaría a su esposa para casarse conmigo. Yo le decía que me dejara tranquila.

POLICE-So what happened when you met him in the lane.

VICTIM-Le pregunté qué hacía ahí y me dijo que me había ido a esperar porque se había decidido. Cuando dijo esto me asusté y empecé a correr pero él me corrió y me alcanzó. Me tiró al suelo y me violó. Yo gritaba pero nadie me podía escuchar. Después él se fue corriendo.

NOTES:

LEGAL CONFERENCES

Dialogue 1

Mrs Carrera goes to the Legal Aid Commission to discuss a problem with the solicitor.

SOLICITOR-Good afternoon Mrs Carrera, how have you been? Have you come to see me about your **divorce**?

CLIENT-No sólo por eso. Primero la vengo a ver por causa de un problema en este momento mucho más urgente que se relaciona con mi **separación**.

SOLICITOR-What is it?

CLIENT-El Seguro Social me ha suspendido el pago de la pensión porque dicen que estoy vivendo con mi marido y eso no es verdad. Me llenan de llamadas y de visitas que son todas amenazas e insultos. Yo ya no aguanto más. Dicen que tuvieron una **denuncia** de alguien que les dijo eso.

SOLICITOR-Have you got any papers from Social Security stating the reason why they suspended your pension.

CLIENT-Tengo estas cartas.

SOLICITOR-In this letter it says that they have suspended it because you have failed to reply to their correspondence. Do you know what this is referring to?

CLIENT-No. El día que recibí esa carta mi hija mayor llamó enseguida y le dijeron por teléfono que no sabían nada así que fuimos personalmente y nos dijeron lo mismo. Nadie sabía nada, así que ya no le dimos más importancia a esa carta.

SOLICITOR-Why do you say they are accusing you of living with your husband?

CLIENT-Porque me lo han dicho miles de veces. Me dicen que los estoy **estafando**, que ellos tienen pruebas de que nos vieron juntos y que si yo no les digo la verdad me van a mandar a la cárcel.

SOLICITOR-Who has told you this?

CLIENT-Los que me vienen a entrevistar a casa y los que me llaman por teléfono. Yo les he dicho la verdad. Cuando hice la declaración para solicitar la pensión yo sólo les dije que me separaba porque él tomaba mucho, que es verdad, pero ahora me he visto obligada a decirles la otra razón. Mi marido es homosexual declarado y yo eso ya no lo podía aguantar. Fue un choque muy grande para mí saber que mi marido de 18 años ya no era más un hombre y que cuando teníamos relaciones él pensaba que yo era un hombre en vez de una mujer.

SOLICITOR-Why didn't you tell them that from the beginning?

CLIENT-Por miedo de que se enteraran las niñas. Yo no quiero que ellas sepan, sería un choque inmenso para ellas. Ahora él trajo a la madre de visita a Australia y ella se está quedando con nosotras porque él no tiene dónde ponerla. En realidad yo no sé cuál es su situación, dónde, con quién o cómo vive.

SOLICITOR-The fact that your mother in law lives with you probably made them more suspicious.

CLIENT-Así es, pero yo no tengo nada en contra de ella, es la abuela de las niñas y yo no se lo puedo negar, yo no les puedo decir a mis hijas -"no tienen padre, no tienen abuela, no tienen a nadie". Además mi suegra no sabe nada del problema de su hijo, yo no se lo quise decir. Nosotros ahora nos tratamos. El primer año yo no lo dejaba entrar porque estaba en un estado de shock muy grande. Fuimos enemigos por el primer año, él les hablaba a las niñas en la puerta, yo no podía soportar ni verlo, hasta que un día mi hija menor me dijo que si yo no dejaba entrar al padre ella se iba de la casa, así que no tuve más remedio. Ahora que está la madre salimos todos juntos, vamos al parque etc, pero eso no significa que vivamos juntos.

SOLICITOR-You've got every right to see and talk to your husband, they can't stop your pension for that reason. All I can do at this stage is write Social Security a letter asking them to clarify what correspondence they are referring to in this letter and ask them to supply under the "Freedom of Information Act" a copy of your **file**. Once I've got those two things I'll be able to advise you as to what to do.

CLIENT-Y ¿Cómo voy a vivir mientras tanto? Yo dependo de la pensión para comprar la comida, pagar el arriendo y demás cuentas. Ahora desde que está mi suegra él me ha estado trayendo algunos comestibles cada quince días para ayudar, pero igualmente no es suficiente.

SOLICITOR-If you take the letter in yourself today maybe they'll be able to tell you something over the counter which would speed things up.

CLIENT-Yo quiero que me dejen de molestar, que no me vengan a insultar ni a amenazar más, yo ya no doy más.

SOLICITOR-I can't tell them anything about that until I have the information. I'll be requesting in the letter. You'll have to sign an Authority for them to supply a copy of your file to me. The interpreter will translate it for you and you'll have to sign down the bottom, above the dotted line.

CLIENT-Bueno, espero que se arregle todo pronto. Con respecto al divorcio, ¿qué está pasando?

SOLICITOR-We won't have time to go into that now because I have people waiting outside. We'll have to make another appointment for next week, by then we'll probably also have the information we need from Social Security.

CLIENT-Bueno, muchas gracias. Hasta la semana que viene.

NOTES:

Dialogue 2

Mr Cordoba, a Cuban refugee, goes to the Legal Aid Commission at the request of his solicitor.

SOLICITOR-How are you Mr Córdoba? I'm glad you came, I thought you weren't going to come, just like last time.

CLIENT-No, hoy vine, pero estoy cansado de tantos viajes, de venir aquí a cada rato. Vivo muy lejos y hace mucho frío. Además no me puedo quedar mucho tiempo porque tengo que ir al "Pub" a tomarme unas cervezas. Bueno, ¿De qué vamos a hablar hoy?

SOLICITOR-You know that on 15 May you have to go to Court.

CLIENT-Claro que lo sé, si usted me mandó una carta.

SOLICITOR-We need to talk about your case. Immigration sent me all these papers and I have to ask you some questions regarding them. They say you were convicted of many charges since you got out of gaol in 1990. Is that true?

CLIENT-¿Qué **cargos**? Después del 90 no estuve más en la cárcel.

SOLICITOR-They don't say what **charges**. I need to know if you were convicted of any charges by a judge at any time after 1990.

CLIENT-No, acusaciones sí, pero no cargos. Cualquiera puede ir a la policía y **denunciar** a uno, pero eso no significa que uno sea culpable. Yo no soy culpable de nada.

SOLICITOR-I am asking you if you had any **convictions**, if you had to go to Court and the judge found you guilty of any **offence**, even if you didn't have to go to gaol. Did you have to pay any **fines**, did you get a **bond of good behaviour**, did you have to go to weekend gaol?

CLIENT-Ah, no, no, yo "no guilty". Y, ¿Qué quiere Inmigración?

SOLICITOR-They want to deport you.

CLIENT-Y bueno, ellos saben adónde vivo. Yo estoy dispuesto a ir adonde me manden. Yo no les tengo miedo.

SOLICITOR-Mr Córdoba, do you want to go back to Cuba?

CLIENT-Yo no soy, son ellos. De todas formas yo no puedo volver a Cuba, a mí me echaron, yo soy refugiado político. Si me mandan a Cuba me tendrán aquí de vuelta en poco tiempo. Después de todo no me vendría mal un viajecito a mi país, veo a mis tíos, a mis primos, a dos hijos que me quedan allá....

SOLICITOR-Don't you understand that if they deport you and then send you back you'll end up in gaol like the other Cuban refugee that's now in Long Bay?

CLIENT-¿Y a mí qué me importa.? El gobierno me paga todo, la casa, el desempleo y los cheques que falsifico, porque a eso me dedico, a **falsificar** cheques. Cuando me dejaron en libertad me dijeron que me portara bien y yo les dije que no sabía, que si necesitaba

plata la iría a conseguir de alguna forma. Aquí son unos estúpidos, es muy fácil engañarlos.

SOLICITOR-OK Mr Cordoba, I see that we're not going to get very far today. I'll see in court on the day.

CLIENT-Bueno, y no se olvide de vestirse de rojo que trae buena suerte.

NOTES:

Dialogue 3

Mr Caro is in conference with his barrister to discuss his ***Workers' Compensation*** *case.*

BARRISTER-Hello Mr Caro, your case is coming up for Hearing at the Compensation Court on 30 May. I understand the accident occurred on 10 October 1989, that you were paid compensation from November 1990 to January 1991 and that you now receive an Invalid Pension, is that right?

CLIENT-Sí, así es.

BARRISTER-When did you start receiving the Invalid Pension?

CLIENT-El 20 de marzo de 1991.

BARRISTER-So, what did you live on between the time you stopped receiving workers compensation and March 1991?

CLIENT-Recibía los beneficios por enfermedad.

BARRISTER-OK, tell me what happened on 10 October 1989.

CLIENT-Bueno, yo estaba trabajando ese día haciendo mi trabajo normal. Estaba en la Línea número 1. Yo tenía que empujar unos **caños** de **acero** hasta una **transportadora** que los llevaba a la máquina.

BARRISTER-What were they used for?

CLIENT-Eran los caños del agua. Después la máquina los revestía con cemento.

BARRISTER-How did you push them, did you roll them onto the belt, or did you lift them up? Did you do this work on your own, or did you have any assistance?

CLIENT-No, no los levantaba, los empujaba y los hacía rodar hasta que llegaban a la transportadora. Ese trabajo lo hacía solo, no había ningún ayudante.

BARRISTER-So how did you hurt your back?

CLIENT-Cuando fui a empujar uno de los caños me resbalé porque había agua en el piso y entonces sentí un **tirón** horrible en la espalda.

BARRISTER-Was there a lot of water on the ground?

CLIENT-Bueno, no mucha, era el agua que caía de los caños porque antes de llegar a mi sección le hacían unas **pruebas de agua**, entonces siempre llegaban mojados.

BARRISTER-And what were you wearing?

CLIENT-Nos daban unas botas especiales de protección. La parte de arriba era de cuero y la suela era de goma.

BARRISTER-What sort of a floor was it?

CLIENT-Era de **hormigón**.

BARRISTER-Was it smooth or rough?

CLIENT-Era rústico.

BARRISTER-Well Mr Caro, it seems you haven't got a case for **negligence**.

CLIENT-¿Cómo no?¿si el piso estaba mojado y los caños eran muy pesados?

BARRISTER-The floor was rough, it wasn't slippery, you were given protection boots and you say water was always dripping from the **pipes**. That doesn't prove any negligence. To be able to prove negligence you have to prove that some other **factory** that does the same work takes more precautions, for example that they use two men instead of one to push the pipes, or that there is never any water on the floors. I mean, if they provided you with the special boots, what else did you want them to do?

CLIENT-Bueno, como usted diga.

BARRISTER-What did you do after the accident? Did you keep working or did you go home?

CLIENT-No, le dije al encargado de la sección lo que me había pasado y él me mandó a la enfermera. El doctor iba a estar ausente por tres días, así que trabajé hasta que volvió el médico. Cuando él me vio me hizo sacar radiografías, me mandó a fisioterapia por cuatro semanas y me dio pastillas para el dolor.

BARRISTER-When you finished your physiotherapy you were given light duties, weren't you?

CLIENT-Sí, hice trabajo liviano por más o menos un año hasta que no aguanté más y me tuve que ir.

BARRISTER-How did you find the light duties? What did you have to do?

CLIENT-Prácticamente no hacía nada, tenía una silla especial en donde sentarme pero igual me dolía mucho la espalda. Empecé con cuatro horas, después lo aumentaron a seis y después a siete horas por día y eso ya era mucho.

BARRISTER-Mr Caro, it is very likely that if you run the case you will get a weekly compensation , I don't think there are any real risks of losing your case. However, if you get a weekly amount of compensation, for every dollar that you get by way of compensation, one dollar will be deducted from your pension, and if you get more than $70 per week by way of compensation, you will also lose your pension benefit card. This will mean that you will be worse off than now.

CLIENT-Pero ¿cómo? ¿si la pensión me la dieron de por vida?

BARRISTER-Yes, but you can't have both, you can have one or the other. That is why I think it would be much better for you to **settle** your case for a **lump sum**.

CLIENT-Sí, yo quiero liquidar el caso por una suma global de dinero, pero depende de cuánto dinero me ofrezcan.

BARRISTER-How much have you got in mind?

CLIENT-Por lo menos $100.000.

BARRISTER-There is no way the Insurance Company will offer you that much, in my opinion the maximum they will offer you is $35,000.

CLIENT-¡Ah no! eso es una miseria, para eso prefiero entrar a la corte y dejar que el juez decida.

BARRISTER-The judge has no **jurisdiction** in this Court to **award** you a lump sum, all he can award is a weekly compensation, so, as I have explained that would mean you could end up the same as you are now or you could be worse off. If you want to do that, I suggest you go home and forget about your case because you will get nothing out of it.

CLIENT-No ¿por qué voy a librar a la compañía de seguros de su responsabilidad de indemnizarme? Aunque quede peor, como usted dice, prefiero que me pague la compañía de seguros y no el gobierno, o mejor dicho, el **contribuyente**.

BARRISTER-OK, if you see it that way I'll see you in court on 30th May.

CLIENT-Adiós.

NOTES:

Dialogue 4

Mrs Gonzalez has gone to court for an ***Arbitration*** *regarding her motor vehicle accident. She is in conference with her barrister outside of the Arbitration rooms.*

BARRISTER-Mrs González, there are a few things I must tell you about your case, the good news is that the Insurance Company has accepted **liability** over the accident, which means your son won't have to **give evidence**.

CLIENT-¡Ah qué bueno! ¿Eso significa que ya gané el caso?

BARRISTER-No, not exactly. I've already explained to you that there are certain difficulties with your case, and that my **advise** to you would be to try and settle it, rather than go before the **arbitrator**.

CLIENT-¿De qué dificultades me está hablando?

BARRISTER-The two major difficulties are: 1. that your neck did not start to cause you any trouble until 8 months after the accident, and 2 that you haven't had much medical treatment.

The Arbitrator may decide that your neck problem has nothing to do with the accident and therefore only award you a very little amount for the injury to your **ankle**, which was the obvious injury caused by the accident.

CLIENT-Pero es verdad que me lastimé el cuello en el accidente, ¿a qué atribuye el dolor si no?

BARRISTER-I believe you, but you risk losing your case if you run it.

CLIENT-¿Qué me aconseja usted, entonces?

BARRISTER-Well, I have put to them an **offer** of $12,000 inclusive of all costs which was what we had agreed on last week, remember?

CLIENT-Sí, recuerdo, ¿ellos han aceptado darme esa cantidad?

BARRISTER-Unfortunately not. They have come back with a **counter offer** of only $8,500 which would leave you with approximately $1,500 clear to you, after paying all medical expenses and **legal costs**.

CLIENT-¡$7.000 de gastos! ¡Qué barbaridad!

BARRISTER-I explained to you that the costs are that high because you changed solicitors and your current solicitors have to pay your previous ones for the work they have done. There are also some medical reports that haven't been paid. All of that plus your current solicitors' fees and my own, amount to a rough estimate of $7,000.

CLIENT-Me gustaría que peleara un poco para que me dieran más dinero.

BARRISTER-They have told us there is no more money, they can't go up any more, that's their limit.

CLIENT-¿Qué me aconseja usted? Usted es el abogado, el que conoce la ley australiana. Yo de eso no sé nada, si estuviera en mi país sería distinto.

BARRISTER-I am advising you to accept that offer because I think that you probably wouldn't even get that much if you ran your case before the arbitrator, due to the problems I have already explained to you.

CLIENT-Y bueno, si usted cree que eso es lo mejor, lo aceptaré. Mientras que yo no tenga que pagar nada, me quedo tranquila. La salud no me la van a recuperar ni con $1.500 ni con $100.000, así que no importa, acepto la suma que me han ofertado.

BARRISTER-Very well then, now all you have to do is sign some documents and you will receive your cheque in about 6 weeks .

NOTES:

Dialogue 5

Mr Alvarez is in conference with his barrister discussing his ***personal injury claim.***

BARRISTER-Hello Mr Alvarez, how are you?. I am Mr Smith, the barrister that will represent you in court when your case comes up for Hearing. I haven't seen your file yet so you will have to tell me all about your case. It will give you some practice for your Hearing, since you will have to give detailed evidence of what has happened to you. Alright, first of all, tell me your name, address, age and country of origin.

CLIENT-Me llamo Juan Rodrigo Alvarez, vivo en 54 Spiller St Manly, tengo 56 años y vengo de Uruguay.

BARRISTER-What's your date of birth and when did you arrive in Australia?

CLIENT-Nací el 3/4/38 y llegué a Australia con mi familia el 15/3/82.

BARRISTER-OK, tell me what happened to you.

CLIENT-Bueno, yo he tenido tres accidentes desde que estoy en Australia pero sólo quiero hacer la **demanda** por uno, por el último que fue en enero de este año.

BARRISTER-Well, Mr Alvarez, you will have to tell me about all of your accidents because they might all be relevant to the case. Start with the first one, when did it happen? Who were you working for? And how did it happen?

CLIENT-El primero fue en el 87 mientras estaba trabajando en una **central eléctrica** en Gosford para Lyons Contractors. Yo me encontraba a 100 metros de altura sobre un **andamio** alrededor de unos **tubos** inmensos. Adentro de estos tubos se encontraban las **calderas**; los **soldadores** tenían que soldar los tubos y después ponerles unos elementos, que les llaman, alrededor de esos caños, sujetados con **alambre**. Eso era para calentarlos.

Una vez terminado ese proceso, o sea cuando ya estaban fríos los elementos, yo tenía que quitarlos. Eso es lo que estaba haciendo y cuando corté el alambre se me vinieron todos los elementos encima, unos 40 kilos. Yo los sujeté con el brazo para evitar que cayeran al suelo y le pegaran a alguien. Yo estaba en una posición muy incómoda y me podría haber caído porque no había de donde sujetarse. Yo creo que al hacer ese mal movimiento, ese **esfuerzo**, me lastimé la **espalda**.

BARRISTER-This is all very confusing Mr Alvarez, how big were these elements?

CLIENT-Eran de unos 15 a 20 cm de largo.

BARRISTER-How could you have injured your back with such small elements?

CLIENT-Porque como le dije hice un esfuerzo y eran muchos los elementos, no uno o dos, pesarían todos juntos unos 40 ó 50 kilos.

BARRISTER-I still don't understand but we'll have to leave it at that. Now, did you take any time off after this accident?

CLIENT-Sí, ese mismo día fui al hospital y me estuvieron haciendo manipulación por unos cuatro meses, o sea que falté al trabajo unos cuatro meses y volví porque ya no

aguantaba más aunque mi médico no quería que yo volviese a trabajar, pero yo tenía tres niños que mantener y una hipoteca que pagar, así que tenía que volver a trabajar. El mismo médico de la fábrica me preguntó por qué había vuelto si todavía no estaba bien.

BARRISTER-Who was your treating doctor?

CLIENT-El doctor Houston.

BARRISTER-What treatment did you have for that injury?

CLIENT-Manipulación, radiografías, y pastillas para el dolor.

BARRISTER-When was the next accident?

CLIENT-El otro fue un **accidente automovilístico** en el año 1990, pero no me hice nada, sólo me **fracturé** una **costilla**, pero eso se me curó enseguida. Para ese accidente no hice ninguna demanda porque fue culpa mía.

BARRISTER-Did you report it to the police?

CLIENT-No.

BARRISTER-Did the police go to the scene of the accident?

CLIENT-No.

BARRISTER-How was your back between the first and the third accident?

CLIENT-Estaba lo más bien, nunca tuve ningún problema.

BARRISTER-Do you mean to tell me that between 1987 and 1992 you never went to see a doctor regarding your back injury after having had four months off work for treatment?

CLIENT-Así es, no me dolía. Todo el dolor que siento ahora es por consecuencia del tercer accidente.

BARRISTER-Tell me about the third accident.

CLIENT-Bueno yo estaba trabajando para Peters Ceramics como **azulejista** y un día tuve que levantar una **carretilla** con **azulejos** que estaba muy pesada, pesaría unos 50 kilos, y sentí un dolor muy fuerte en la espalda, fue tan fuerte que no me pude enderezar del dolor por un rato largo.

BARRISTER-Mr Alvarez, it's obvious to me that the main injury was caused by the 1987 accident and that this last accident simply aggravated your previous condition. I don't know why you insist on telling me that your back did not give you any trouble at all between 87 and 92, that it somehow miraculously healed in an instant.

Let me tell you something that is very important, the law has changed in Australia regarding Workers' Compensation, which means that for any accident that occurred after the 30 June 1987 I cannot get you much money at all, that is because you can no longer settle your case for a lump sum, you are now only entitled to weekly payments of compensation which will be equivalent to Social Security payments. However, I can get you a fair bit of money for your injury prior to 30 June 1987. It seems to me that you

would have a pretty good chance of getting some money for the 1987 accident. I don't understand why you insist on underestimating the effects of that accident.

CLIENT-Bueno, mire, la verdad es que nosotros primero hablamos con nuestro abogado y le contamos toda la verdad pero él nos dijo que nos olvidásemos del primer accidente porque la compañía de seguros que cubre esa firma no estaba en condiciones de pagar mucho dinero y que sería mejor atribuirle todo el problema al accidente del año 92.

BARRISTER-Well I don't understand why he would have said such a thing but if he did I don't agree with him for the reasons I have already told you, plus the insurance company for the last firm wouldn't let you get away with it, they would want to share liability with the first insurance company.

CLIENT-Ah bueno, si usted lo dice.

BARRISTER-Go home now and think about what I told you. I'll see you again a week before the hearing.

NOTES:

Dialogue 6

Mr Flores goes to see a solicitor regarding his intention to divorce his wife and keep the ***custody*** *of their children.*

SOLICITOR-Hello Mr Flores, what can I do for you?

CLIENT-Bueno, espero que me pueda ayudar. Mi caso es un poco inusual. Resulta que yo me quiero divorciar de mi mujer porque ya no puedo soportar más que me sea infiel. Desde que nos casamos que lo sospecho pero ahora sé que es cierto porque la encontré con otro.

SOLICITOR-Well, there's no major problem with getting divorced. The only legal requirement is that you must live separately for at least 12 months before you can actually get the divorce.

CLIENT-Bueno, sí, eso ya lo sabía y es aquí donde viene el problema. Normalmente la madre se queda con los hijos pero en nuestro caso soy yo el que quiere quedarse con ellos, pero ella también los quiere.

SOLICITOR-How many children have you got and how old are they?

CLIENT-Tenemos dos varones y una niña. El mayor tiene 10, la niña 8 y el más pequeño 4. Mire señorita, yo le voy a decir la verdad, ella nunca se preocupó de los hijos, ahora los quiere simplemente para hacerme la vida imposible a mí. Ella siempre los dejaba solos, mi mamá ha sido más la madre de ellos que la propia madre.

SOLICITOR-Mr Flores, I can see that there are going to be problems here. The **Family Court** encourages parents to come to an agreement about custody and access to avoid the need for a very emotional and expensive court battle. Are you sure you can't come to an agreement with your wife? Remember the children's welfare and not your own feelings.

CLIENT-Justamente por eso es que quiero que se queden conmigo. Yo la conozco, ella no se va a preocupar de los hijos. A ella le molestan. Además también le gusta tomar mucho y cuando se emborracha les pega mucho a los niños. Si se quedan con ella no van a ir a la escuela, van a quedar todos desnutridos y enfermos y hasta van a llegar a ser delincuentes o drogadictos y la niña prostituta.

SOLICITOR-Mr. Flores, I think you are getting a little too emotional and you are exaggerating. I understand you are bitter now because of your wife's infidelity, but you must try to look at this rationally. Surely, she is their mother and she must care for them.

CLIENT-Usted ya se está poniendo a favor de ella porque es mujer. ¿Por qué un padre no puede amar a sus hijos y cuidar de ellos mejor que una madre? ¿Usted piensa que estoy inventando lo que le estoy diciendo? Usted no sabe lo que he sufrido con mi mujer porque nunca quise ver la realidad, yo la quería mucho y no la quería perder, pero ya no aguanto más, no puedo dejar que me siga pisoteando de esta manera. Yo siempre quise que ella fuera una buena madre pero nunca lo fue.

SOLICITOR-I'm sorry if it seemed like I was on your wife's side, but that's not so, I'm trying to help you think clearly. I want you to understand that it would probably be very difficult for you to get custody of the children and so it would be a lot better if you could come to an agreement with your wife.

I will refer you to the Family Court Counsellor who will help you come to an agreement. All discussions are confidential and nothing you say can be repeated in court.

CLIENT-¿Y qué pasa si no arreglamos nada con ir a hablar con el consejero?

SOLICITOR-Then you will have to fight it in court. The judge may ask for a Family Report which will be prepared by a Court Counsellor, but not the same one that will be seeing you.

CLIENT-¿Qué es un informe sobre la familia?

SOLICITOR-A Family Report is a report about the personal relationships between the children and their parents and other matters that relate to their welfare. The counsellor that will write the report will visit you at home when the children are there to be able to make an assessment.

CLIENT-Bueno, y dígame, ¿por qué dice usted que será difícil para mí obtener la tenencia de los niños?¿El juez no se fija en la conducta de los padres para determinar quién cuidará mejor a los niños?

SOLICITOR-The parents' conduct will be taken into consideration only if it affects the welfare of the children and the parents' ability to look after them. The court will not refuse a parent custody simply because he or she has a non-mainstream lifestyle, with that I mean a person who lives in a commune, is a homosexual, etc.

CLIENT-¡Ah! ¡Qué bien! ¿Así que a la corte no le importa si la persona es homosexual, prostituta o borracha? ¿Dónde está la justicia entonces? Uno se mata trabajando para darles lo mejor a los hijos y también todo el cuidado y cariño que necesitan, para nada, y la madre que nunca se preocupó de ellos es favorecida simplemente por ser la que los parió.

SOLICITOR-No Mr Flores, you're not listening. I'm not saying your wife will automatically be favoured, but you will have to prove all your allegations against her and then it will be up to the judge to decide who will be most suitable. How were you thinking of looking after them if you have to work?

CLIENT-Ella también tendrá que trabajar, o ¿esperará que yo la siga manteniendo?

SOLICITOR-You're not answering my question.

CLIENT-Bueno, durante el día se quedarían con mi madre como lo han hecho hasta ahora, y por la noche se quedarían conmigo, también como lo han hecho hasta ahora, es decir, sus vidas no cambiarán en absoluto si permanecen conmigo. Sin embargo, si se tuvieran que ir con la madre, ella los pondría en una guardería y a la noche se quedarían solos porque ella se iría por ahí con sus novios.

SOLICITOR-What do the children say?

CLIENT-En realidad no les he preguntado nada, pero estoy seguro de que preferirían mil veces quedarse con nosotros.

SOLICITOR-Sometimes the judges take the children's wishes into account, that means they will have to give evidence which could be a very traumatic experience for them.

CLIENT-Espero que no tengamos que hacer eso. Estoy seguro de que pese a todo lo que dije, que es verdad, los chicos la deben de querer a su madre por más mala que haya sido con ellos. Quizás ellos ahora no se den cuenta. Además nunca quisiera ponerlos en contra de la madre.

SOLICITOR-Well Mr Flores, the first thing you should do now is go see the Family Court Counsellor. My secretary will make an appointment for you. Please try to calm down and talk things over with your wife rationally.

CLIENT-Bueno, iré a ver al consejero, espero que ella acepte acompañarme. Gracias por su ayuda y perdone si me puse un poco nervioso.

SOLICITOR-Not to worry Mr Flores. Come and see me again after you've seen the counsellor.

NOTES:

HEARINGS

MEDIATIONS

Dialogue 1

Nicolás Videla has come to the ***Community Justice Centre*** *to seek help in settling a neighbours' dispute.*

MEDIATOR 1-My name is Danuta Wajda and this is John Searl. We are **mediators**. We want to help you reach an agreement over the **dispute** which has brought you here.

MEDIATOR 2-We are going to ask each of you to tell us your side of the story. While you talk I will be writing down what you say. There is a Spanish interpreter here, you can use the interpreter if you wish Mr Videla , but we'd prefer it if you tried to tell us your story in English as much as you can. Do you understand what I'm saying?

MR VIDELA-Yes

MEDIATOR 1-Alright, let's start then. Did you understand what John said Nicolás?

MR VIDELA-*(In broken English)* "Yes, I wanna pis, I come here for pis"

MEDIATOR 2-What? What are you talking about Mr Videla?

MR VIDELA-*(To interpreter)*: Dígale que yo quiero paz, que vine acá para conseguir vivir en paz, sin ningún problema de vecinos.

MEDIATOR 1-You want peace with your neighbours? That's very good, what's the problem Nicolás?

MR VIDELA-*(In broken English)* "The problem is smock, plenty smock, when I slip smock, smock in my room, me no slip, never.

MEDIATOR 2-I am not sure I understand you, calm down, there's no need to shout.

(Client gets upset:Interpreter suggests he/she should interpret everything)

MR VIDELA-El problema es el humo, el humo de la maldita parrilla de al lado. Tengo humo en la cocina, en las piezas, en todos lados y no me deja dormir. Toda la casa huele a asado.

MEDIATOR 2-Can't you close the windows?

MR VIDELA-¿Por qué? ¿Acaso no puedo tener la libertad de abrir las ventanas de mi propia casa? Uno no puede estar con las ventanas todas cerradas.

NEIGHBOUR 1-Your windows are closed all the time, how can you say the smoke gets into the house?

MR VIDELA-Sí, cuando ya no aguanto más tengo que cerrar las ventanas, pero eso no es justo, ¿no le parece?

NEIGHBOUR 1-We have checked with the authorities and they told us we aren't doing anything against the law. We'll keep doing our own thing, understand? We're not doing anything wrong, we are not breaking any law, understand? LAW!

(Raising her voice) If you come from a country where there are no laws, you should go back to your country because we have laws here and we live according to the laws.

MR VIDELA-*(Shouts back)*¿Quién se cree que es ella para decirme a mí que me vaya a mi país? y ¿ella qué sabe qué leyes hay en mi país? Para que sepa en mi país hay tantas leyes como acá.

NEIGHBOUR 2-*(To wife)* I knew you were going to lose your temper and start saying stupid things.

MEDIATOR 2- Will you all stop shouting, please! Nicolás, what do you suggest your neighbours should do? considering it is not illegal to light a barbecue in the back yard.

MR VIDELA- A mí no me importa lo que hagan ellos en su casa siempre y cuando no nos molesten a nosotros.¿Será posible que cada vez que mi esposa tiende la ropa ellos van y prenden el fuego? Si quieren hacer fuego a cada rato que se aseguren de que el humo no pase para nuestro lado.

NEIGHOBOUR 2-I can't put up a screen between your yard and mine.

MR VIDELA-¿Por qué no instalan una chimenea encima de la parrilla para que el humo vaya para arriba y no para cualquier lado?

NEIGHBOUR 2-I can't do that, I asked the agent and they said the owner wouldn't pay for it, and we don't have the money. Why doesn't he spend some money to do something about it? After all it's bothering him not us.

MR VIDELA- ¿Qué quiere que haga? Además la casa tampoco es mía, alquilamos.

NEIGHBOUR 1-You see? He wants us to stop having barbecues, to stop having a social life, to stop having a drink with our friends after work. He only thinks of himself.

MR VIDELA-Ahora soy yo el malo. Yo lo único que quiero es que tengan un poco de consideración, yo no digo que no tengan un asado de vez en cuando como hacemos nosotros, los sábados o los domingos, pero no todos los días y menos cuando mi mujer tiende la ropa.

NEIGHBOUR 1-We are not doing anything illegal. I'm sick of this I'm going home now. You can sue us if you want but you'll be wasting your time. *(To husband)* Let's go dear.

NOTES:

Dialogue 2

Teresa Núñez and Dorothy Lyall have come to the Community Justice Centre for help in settling a dispute about a dividing fence.

The mediator speaks briefly to the interpreter. They agree that the interpreter will interpret in the consecutive, whole-speech mode the long speeches by the two mediators, and in the sentence-by-sentence mode the presentation of the facts by each party and their dialogues.

MEDIATOR 1-I wish to advise you first of all about the procedure we'll follow in this session. My name is Demetrios and the lady sitting next to me is Esther. We are mediators, and that means we have been trained to help you to find a solution to your problems.

We are not looking for the truth. We won't judge you, we won't decide which one of you is right. All we do is try to put you on the right track to reach an agreement.

To do this we need your co-operation, both parties' co-operation. To reach an agreement it is necessary that each party come to a compromise. You will never come to an agreement if you stick rigidly to your rights, or to what you think are your rights.

MEDIATOR 2-I'll set down the ground rules for the mediation session. First of all I want you to understand that we are here, Demetrios and I, to show you how you may reach an agreement regarding your dispute.

Secondly, you can see that you have in front of you pen and paper. You can jot down from time to time what comes out of the discussion and use it in presenting your requests or your offers of **settlement** to the other party.

Thirdly, we'll ask you to tell us your story, one at a time. When one talks, it is necessary that the other does not interrupt, otherwise we won't be able to understand what is going on.

Fourthly, I will take note of what you say and prepare a statement of all the facts you mention. I'll read the statement over to you at the end of your speech, to make sure that the points you are presenting are clear to you and to us.

Once both parties have presented their version, they can talk to each other to make observations, suggestions, offers.

Then, we'll have separate sessions with each of you. You will have the opportunity to talk to us and tell us things you might not feel comfortable to say in the presence of the other party. Whatever you say in the individual sessions is confidential. We won't tell the other party about it.

Another reason for the private sessions is that we want to ask you individually what solution you are thinking of, to solve the problems that brought you here to the Community Justice Centre.

It is important that you reach an agreement yourselves. You have to decide what you want the other party to do to make you happy and tell the other party about it.

MEDIATOR 1-We'll start with Mrs Lyall. Will you please tell us what it's all about, Mrs Lyall?

MRS LYALL-It all started one day when I decided to have a new fence. I told Teresa about my idea and she agreed that we should replace the existing fence, which was probably more than 100 years old.

I got a **quote** and showed it to Teresa. She told me to go ahead as she would leave it all to me.

The builder came and started working. They demolished the 150cm fence and replaced it with a 180cm one.

I had them put a **trellis** on top of the fence, which wasn't there before but makes the whole place look a lot better.

Teresa came to see me in the evening and complained about the trellis, she said it wasn't in the agreement, that it was too high. She didn't like it and she said she wouldn't pay for it.

I said OK. I ordered it especially because I wanted to train some climbers up the fence. The house now looks much better with that **lattice**. Anyway, if she doesn't want to pay for it and she doesn't like it, I'll pay for it myself.

She should pay for half of the fence, though, that was on the builder's quote. I remember I said to her I wanted her to read and accept the quote from the builder, before we built the new fence.

Teresa called her niece, who speaks English very well, to translate for her. That's all I have to say, I think.

MEDIATOR 1- OK, thank you Mrs Lyall. Mrs Núñez then. Will you please tell us briefly your version of the facts.

MRS NUÑEZ-Sí, es verdad que yo estuve de acuerdo con que se cambiara la "fensa"[4], cuando me lo propuso enseguida le dije que sí, que no había ningún problema. Lo que a mí me puso mal fue que cambiara de planes sin decirme nada. Para colmo esa cosa que le puso por encima no me gusta nada, queda horrible, muy alto. Quiero que lo saque.

Además me dejaron toda la basura de mi lado, todas las maderas de la **empalizada** vieja.

MRS LYALL- Teresa, I told you I don't want you to pay for the trellis if you don't like it, what I want you to pay for is half the cost of the fence.

MRS NUÑEZ-Sí, yo no tengo ningún problema en pagar la mitad del precio de la cerca, que fue lo que acordamos, pero primero me tiene que arreglar todo para que quede como lo habíamos planeado.

Lo otro que pasó es que me dejaron un montón de basura de mi lado y se me taparon los **desagües**. Yo no quiero limpiarlos porque no quiero lastimarme la espalda.

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[4]"Fensa": common word used by Spanish speakers in Australia to mean 'fence'

MRS LYALL-I've already told the builder about that and arranged for him to come, at my cost, to your place and fix it up.

MRS NUÑEZ-Quiero que me saquen ese enrejado de porquería porque queda espantoso.

Y eso no es todo. Ella sólo ha dicho lo que le conviene. No dijo que un pedazo de la "fensa" lo pusieron por una vía diferente a la de la antigua y que ahora me roba como dos metros de mi terreno.

Cuando me di cuenta le fui a hablar y ella me dijo que no había nada de qué hablar porque ese pedazo de tierra en el fondo le pertenece a la **municipalidad** y no a mí, así que no tenía ningún derecho al que atenerme

Si tiran abajo esa cerca y ponen una nueva como la que habíamos acordado, yo le doy los $372 inmediatamente.

MEDIATOR 2-Mrs Nunez, do you realise that your request is simply unrealistic? You can't ask your neighbour to pull down a fence, because the fence was built according to what was planned and after a quotation was agreed upon by both of you.

MRS NUÑEZ-Eso no es verdad, yo nunca vi esa carta. Ella habló con mi sobrina y no le dijo todo sino ella me lo habría dicho a mí y entonces yo le habría dicho rotundamente que no.

A small discussion may follow here, about the risks of using non qualified interpreters. Although it is not suggested that a professional interpreter should be called in every time neighbours have to talk to each other over the fence, the case may be used to illustrate the problems caused by bilinguals who don't have a professional training in interpreting and are not bound, amongst other things, by the ethical obligation to neither add nor leave out anything from what they hear from each party.

MEDIATOR 1-Mrs Nuñez, you don't want to reach an agreement as I explained before, do you? In that case you have the right to go to a solicitor to take legal action against your neighbour. This is not what the Community Justice Centres are made for, however. The hearing is adjourned. Thank you.

NOTES:

TRIBUNALS

Dialogue 1

*Mr and Mrs Suarez are at the **Residential Tenancies Tribunal** for a **Rental Bond** dispute.*

MEMBER-Mr and Mrs Suarez, the other party has not arrived but because this **hearing** has been **adjourned** twice, we will hear the case **ex parte**. This means that we will run the case in the absence of the other party. Normally both parties will have an opportunity to say what they want regarding the case, uninterrupted, and then there will be a short time for discussion to try and come to an agreement. If no agreement is reached, I will make an order

CLAIMANT-¿Eso significa que nos tenemos que ir y volver otro día?

MEMBER-No, I haven't finished explaining. In this case, as I have already told you, I will hear the case in the absence of the other party, so you will have a chance to put forward your **evidence** and then I will make the order. I have read your file and one of the reasons the agent gives for not refunding you the rental bond is that you did not give them enough **notice**.

I want you to tell me why you left the premises, how much notice you gave the agent, in what condition you found the flat and in what condition you left it.

CLAIMANT-Bueno, nosotros no nos fuimos porque quisimos, ellos prácticamente nos echaron. Nos dijeron que la propiedad estaba para la venta y venían a cada rato con un montón de gente para mostrarles el departamento.

MEMBER-So did you tell them that you couldn't put up with that anymore and that you wanted to move?

CLAIMANT-No, ellos nos llegaron a decir que si se vendía la propiedad antes de que se nos venciera el contrato nos irían a poner en un hotel. Después nosotros nos enteramos de que se desocupaba el departamento de arriba, el número 22 y antes de que nos mandaran a un hotel decidimos mudarnos a ese departamento. Así que les dijimos como con una o dos semanas de anticipación.

MEMBER-Was it owned by the same people?

CLAIMANT-No sabemos si los dueños eran los mismos pero la **inmobiliaria** era la misma.

Mire, aquí tenemos una carta que nos envió la agencia con fecha del 15/3/94 donde nos dicen la razón por la cual no nos pueden transferir el depósito de un departamento a otro, y nosotros nos mudamos el 10/4/94, así que esto comprueba que ellos sabían muy bien que nosotros nos mudábamos al 22.

MEMBER-Yes, you're right. Could I please have a look at that letter?

This says that they cannot transfer the bond, one, because the walls were all dirty and they had been freshly painted when you moved in.

COMPLAINANT-Eso es mentira, yo tuve que lavar las paredes con un cepillo porque estaban todas mugrientas. Era obvio que esas paredes no habían sido pintadas por años.

MEMBER-So you deny that?

CLAIMANT-¡Claro!

MEMBER-The second reason is that the oven was greasy, and the third reason is that all the fly screens were missing.

CLAIMANT-Sí, cuando nosotros nos mudamos al departamento número 20, o sea el departamento del cual estamos hablando, había una grasa en el horno que yo no me puedo explicar cómo alguien pudo haber cocinado en eso. Entre mi hija y yo limpiamos el horno con limpiahornos, y tuvimos que hacerlo dos veces para quitarle toda la grasa, cuando nos fuimos quedó impecable.

Lo que dice de los mosquiteros también es mentira, o sea es verdad, pero nunca los hubo, nosotros no los quitamos, nunca hubo mosquiteros en ese departamento. Además, ¿para qué nos ibamos a llevar los mosquiteros?

MEMBER-So, let me summarise what you're saying:
1.That you gave them about two weeks' notice of your intentions of moving to flat number 22.
2 That the oven was very greasy when you moved in and that you cleaned it properly when you moved out, and
3 That the flat never had any fly screens.

CLAIMANT-Así es, yo tengo testigos, si quiere puedo traerlos.

MEMBER-At this stage that won't be necessary.

Now I will write down the order and the reasons for it and then I will read it to you.

CLAIMANT-Ah bueno, pero quiero que quede en claro una cosa, que nosotros les dejamos el departamento mucho mejor que como lo encontramos.

MEMBER-This is the order: That Mr Williams, the owner of the premises known as 20/123 Albert St Cabramatta, make a full refund of the rental bond of $542 to Mr and Mrs Suarez of 22/123 Albert St Cabramatta, on or before 14 June 1995.

The reasons being: 1. I am satisfied that the **tenants** gave sufficient notice to the agents regarding their intentions of moving, as evidenced by a letter from the agent dated 15/3/94.
2. The tenants deny that the flat had been freshly painted when they moved in, that there were any fly screens at all in the premises, and that they left the oven uncleaned. I have received no **submission** to the contrary and therefore I am inclined to believe the tenants' submission.

CLAIMANT-¿Eso significa que ellos nos tienen que devolver el depósito?

MEMBER-That's right, however they may **appeal** and apply for another hearing. If they have a good reason to excuse their absence, then another hearing will be granted, if not, they'll just have to adhere to the order.

The reason why we give them so much time in which to pay is because all this has to get typed and then sent to them, by which time they will have 14 days in which to pay you. If you do not receive your money by 14 June, get in contact with the Parramatta office and they will tell you whether you will have to come to another hearing.

NOTES:

Dialogue 2

Mr & Mrs Del Río have lodged a ***complaint*** *against Mr & Mrs Lukas, the owners of a pest control company. This is the hearing at the* ***Consumer Claims Tribunal.***

REFEREE- Before we start, I wish to advise you briefly about the procedure which will be followed today. All evidence in this tribunal will be given under **oath** or **affirmation**. I will not accept any letter, document etc as evidence in these **proceedings**, unless it is in the form of an **affidavit**.

My statutory duty as a **referee** of this tribunal is to try to have the parties in dispute come to an agreement. If you cannot come to an agreement, then I will have to make an order.

Now each of you will take an oath or make an affirmation to tell the truth. Then I will hear your versions of the facts, starting with the claimants.

The Interpreter is sworn in.

Claimant's oath- The evidence you shall give touching the matter now before this tribunal shall be the truth, the whole truth and nothing but the truth. Say "So help me God"

CLAIMANT-Que Dios sea testigo.

REFEREE-Yes, Mrs Del Rio.

CLAIMANT- Resulta que mi marido y yo compramos una casa, pero antes de firmar el contrato quisimos hacer una inspección de insectos. Le dijimos esto al abogado y nos dijo que era una buena idea, así que contratamos a una compañía que se llama "Kenny's Pest Control" que son los señores que se encuentran aquí hoy.

Ellos nos hicieron la inspección y nos dieron un certificado por un año que decía que estaba todo bien. Por lo tanto firmamos el contrato y compramos la casa.

Cuando nos mudamos a la casa con el bebé de sólo un año, yo empecé a notar hormigas por el piso y parecían termitas. Le dije a mi marido y decidimos llamar a otro inspector para ver qué decía. Cuando vino nos dijo que eran definitivamente termitas y que la casa estaba toda infestada, que las paredes ya estaban casi todas comidas por dentro. Nos aconsejó que nos asesoráramos con un **maestro de obras**.

El maestro de obras nos dijo que nos saldría unos $40 000 dólares arreglar toda la casa ya que tenían que hacer casi todas las paredes internas nuevas. ¡Casi nos queríamos morir! Recién habíamos comprado la casa y no nos quedaba ni un centavo. Si hubiéramos sabido esto no habríamos comprado la casa, por esa razón hicimos hacer la inspección antes de firmar el contrato.

No puede ser que tengamos que pagar nosotros. Por eso demandamos a esta compañía.

REFEREE-Have you got anything else to say?

CLAIMANT-No, por ahora eso es todo.

REFEREE-Mr or Mrs Lukas, what have you got to say?

RESPONDENT- It's true that we made the first inspection of the house, at the request of Mr & Mrs Del Río, but we found no sign of any insect in the house at the time, although we found that in the past there had been a problem. Unfortunately we didn't say that in the **report**.

REFEREE-What have you got to say about the **claim for damages**?

RESPONDENT-We dispute the fact that the whole house was affected by termites and that all the internal walls have to be replaced. We are not prepared to provide the money to replace all the internal walls. We admit we should have included in the report the fact that some walls had been badly affected on the inside by ants and we are prepared to pay for a small proportion of the costs.

REFEREE-Have you anything else to say Mr Lukas?

RESPONDENT-No, I don't think so.

REFEREE-Mr Del Río, did you want to say anything else?

CLAIMANT-Sí, gracias. Lo que me gustaría aclarar es que nosotros no nos estamos aprovechando de la situación. La casa la compramos a un precio pensando que estaba todo bien y nos confiamos del informe de estos señores para asegurarnos de ello. Después nos enteramos de que nos habían mentido y por lo tanto la casa que pagamos a $160 000 sólo vale la mitad del precio, así que en otras palabras, nos "metieron bien el perro"[5], y todo por culpa de esta compañía.

Es por eso que creemos que es justo que la compañía nos indemnice por todos los gastos que vamos a tener por las termitas.

REFEREE- This is a very serious case and I don't want to make a wrong decision. It's obvious that the parties will not come to an agreement so I will have to make an order. I have decided to get an independent assessment of the damages caused by the termites in Mr & Mrs Del Río's house.

I will call for an inspection from the **Builders' Licensing Board**. One of their inspectors will visit the premises and submit a report to my office. Mr & Mrs Del Río, you will be duly informed of the date of the inspection.

The other party will have the right to be present at the inspection; all parties will be allowed to ask questions and discuss anything with the inspector. A Spanish interpreter will also be present.

The Hearing will be adjourned to a date to be advised, after the inspector has provided me with a report.

Thank you ladies and gentlemen, thank you Madam/Mr Interpreter, you may all be excused now.

NOTES:

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[5]"Meter el perro":Colloquial for 'to rip off'

Dialogue 3

Mr Johnson and Mr Fernandez are at the Consumer Claims Tribunal to settle a dispute over the purchase of a car.

REFEREE- Mr Johnson and Mr Fernandez, I will explain to you the procedure of this hearing. Each one of you will have an opportunity to present your story uninterrupted. After that you will be able to discuss the possibilities of coming to an agreement. If no agreement is reached then I will have to make an order.

We will start with Mr Johnson since he is the claimant.

Mr Johnson, before you start can you state your full name and position in the company please.

CLAIMANT-My full name is George Johnson and I am sales manager at Bill White Used Cars. The reason why we decided to bring this matter to this tribunal is because Mr Fernandez has **breached** a **contract he entered into** with our company.

On 23 September last year Mr Fernandez came to Bill White to look at cars. I served him. He said he was looking for a station wagon and that he'd have $20 000 to spend when he received his money from a **compensation case** he had just settled. He said he would get the money in about a month's time. We said that would be no trouble as long as he left a small deposit so that we could hold the vehicle for him. He chose one that was $16 000 and left us $1000.

REFEREE-Excuse me for interrupting you sir, but how did he communicate with you?

CLAIMANT-He had his son with him who did all the talking. When he gave us the money he had to sign a contract that said that if he changed his mind and did not want to buy the car he would forfeit the money. He signed it and left. Two weeks later he came back with his son and another man. This other man said that he wanted the money back because his friend could not buy the car now. I explained that we couldn't do that because it would be a breach of contract so the man became very upset and started abusing me.

I asked why had he changed his mind and they said it was because he hadn't received the amount of money he had expected. I told them that if he brought me some sort of **proof** of that we would consider cancelling the contract, or he could buy a cheaper car. His friend got very upset and said I was calling them liars. We still haven't received any proof, so that's why we are here.

REFEREE- OK, Mr Fernandez, what have you got to say?

RESPONDENT-Bueno que yo no tengo la plata para comprar el coche porque decidimos comprarnos una casa en vez de un auto. Yo no sabía que eso que había firmado era un contrato. Yo no sé hablar inglés. Yo pensé que era simplemente un recibo y que me devolverían el dinero sin ningún problema.

REFEREE-Don't you know that you should read all documents before you sign them?

RESPONDENT-Sí pero como ya le dije yo no entiendo inglés .

REFEREE-Why didn't you ask your son to read it? He understands English, doesn't he?

RESPONDENT-Sí pero es todavía un chico, sólo tiene 12 años, de estas cosas no entiende.

REFEREE-Mr Johnson, do you think you can come to some sort of **compromise**?

CLAIMANT-What we have decided to do is keep that money aside for Mr Fernandez to use towards the purchase of any vehicle in the next 12 months. If he doesn't use it before the 12 months are over then he would lose the money. We won't charge him any **penalty** for not buying the vehicle he had us put away for him because we were able to sell it.

REFEREE-Are you happy with that agreement Mr Fernandez? I think it's fair, since you are the one who is in breach of contract.

RESPONDENT-En realidad ahora que compramos la casa yo necesito el dinero, no voy a poder juntar más para comprarnos un coche.

REFEREE-It seems as though I will have to make an order. I will now write it, then read it to you and explain the reasons why I made those decisions.

This is the order: That Mr Johnson refund $500 to Mr Fernandez within 14 days and that Mr Fernandez forfeit $500 which would be the difference kept by Bill White Used Cars.
The reasons are: 1. Although Mr Fernandez is in the wrong because he is in breach of contract, Bill White should have made sure that Mr Fernandez understood what he was signing. The fact that his 12 year old son was with him is not good enough since a child that age is unable to understand the language of a contract. Therefore I have decided to make it equal for both.

Now let this be a lesson to you both. Mr Fernandez, never again sign anything not knowing what you're signing, and Mr Johnson, make sure that people who do not speak English well have the contract read to them in their own language by a professional interpreter. It wouldn't hurt to ring the Telephone Interpreters Service and have an interpreter explain it over the telephone. The service is free.

All parties are dismissed.

NOTES:

COURTS

Dialogue 1

*Mr Rodriguez is at the **Local Court** being examined regarding an **assault** charge that was laid against. him.*

Examination in Chief

SOLICITOR-Please state your name and address for the record.

DEFENDANT-Sí, cómo no. Me llamo Alejandro Rodriguez y vivo en 12/11 Torrens Rd Strathfield.

SOLICITOR-Would you tell the court what your occupation is, please?

DEFENDANT-Soy mecánico, recibido en Chile, mi país, hace 10 años.

SOLICITOR-Thank you Mr Rodriguez. Now I will take you back to the evening of 13 June 1992 at 6.30pm, could you please tell the court what happened on that evening?

DEFENDANT-Bueno, mi hermano, mi sobrinito y yo habíamos ido al centro de Strathfield a arrendar unos videos, mi hermano manejaba. Cuando estábamos esperando en los semáforos de la intersección de las calles York y Burwood, mi hermano vio que más adelante en la Burwood Rd. se estaba desocupando un espacio para estacionar, entonces cuando el semáforo se puso verde él se dirigió hacia el espacio y ahí fue donde estacionó.

SOLICITOR-Did you notice any other, **I withdraw that**, what lane were travelling in?

DEFENDANT-La izquierda, o sea la que está más cerca a la cuneta.

SOLICITOR-Did you notice any other car next to your brother's car at that intersection?

DEFENDANT-Sí, había uno al lado nuestro, a la derecha, me acuerdo porque mi hermano lo tuvo que pasar porque había autos estacionados en el carril izquierdo.

SOLICITOR-So what happened when you got to the parking spot?

DEFENDANT-Bueno, mi hermano estacionó de frente porque el auto de él es pequeño, y una vez que estábamos estacionados nos dimos cuenta de que había un auto parado enfrente de nosotros tratando de estacionar en nuestro mismo espacio.

SOLICITOR-Was it the same car that your brother **overtook**?

DEFENDANT-Sí, el mismo. Entonces el hombre del otro auto se bajó y nos empezó a insultar y a decir que nos fuéramos de ahí que ése era su lugar, que él lo había visto primero.

SOLICITOR-So, what happened then?

DEFENDANT-Primero no le íbamos a hacer caso, pero el hombre empezó a acelerar y a retroceder el auto de a poco, entonces mi hermano se bajó y se puso entre medio de los dos autos y empezó a golpear sobre la "maleta"[6] del auto del hombre para que se detuviese.

SOLICITOR-Where were you at this stage?

DEFENDANT-Yo todavía estaba adentro del auto de mi hermano.

SOLICITOR-So what happened after that?

DEFENDANT-Bueno, el hombre siguió retrocediendo hasta que le chocó la parte delantera del auto de mi hermano, entonces mi hermano se le acercó, abrió la puerta del auto del hombre y le dió un "combo"[7] en la cara.

SOLICITOR-What did you do at this point?

DEFENDANT-Bueno, cuando vi que mi hermano le había pegado y que ahora estaban peleándose, yo me bajé y fui hacia donde estaban ellos para separarlos.

SOLICITOR-Did you say something?

DEFENDANT-Sí, les dije "OK, that's enough, stop it, go home"

SOLICITOR-What exactly did you do?

DEFENDANT-Puse el brazo entre los dos y después yo me puse en el medio, ahí fue cuando me manché la camisa con la sangre que le estaba saliendo de la nariz al otro hombre.

SOLICITOR-So did the fight stop at that point?

DEFENDANT-Bueno sí, pero el hombre me empezó a perseguir a mí y me decía "Come on, come on, you bastard", yo me lo esquivaba y fue ahí que justo se acercaban unos policías, y el otro caballero se dirigió a ellos para llamarlos.

SOLICITOR-What did the police do?

DEFENDANT-Nos tomaron a mi hermano y a mí y nos llevaron en su automóvil a la comisaría de Strathfield. En la comisaría nos pusieron en diferentes salas con diferentes policías. El policía que me entrevistó a mí me dijo que mi cargo era "assault" y eso a mí me sorprendió mucho.

SOLICITOR-Why did it surprise you?

DEFENDANT-Bueno porque en español asalto es un cargo más grave, cuando uno **asalta** a alguien significa que tiene intenciones de robarle y normalmente se usa un arma. Como mi inglés no es muy bueno yo le pedí que por favor llamaran a un intérprete.

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[6]"Maleta": Chilean term for boot or trunk of the car.

[7]"Combo": Chilean colloquialism for 'punch'.

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SOLICITOR-Did they get you an interpreter?

DEFENDANT-No, me dijo que a esa hora los intérpretes ya no trabajaban. Eran las 7.30 de la tarde. Yo le dije que tenía entendido que el servicio telefónico de intérpretes estaba disponible las 24 horas del día, y él me dijo que me olvidara del intérprete.

Después le pedí que me permitiera usar el teléfono para llamar a mi mujer, pero tampoco me dejó. Recién a las 9.30 de la noche me permitió usarlo que fue cuando terminamos la entrevista.

SOLICITOR-If I could take you back to the incident in Burwood Rd, you maintain that you tried to break up the fight and that that was the only reason why you approached the two men fighting? Is that correct?

DEFENDANT-Sí, es verdad.

SOLICITOR-No further questions **Your Worship**.

MAGISTRATE-Yes Mr **Prosecutor**.

Cross Examination

SERGEANT-Mr Rodriguez, you said during examination in chief that your brother was in the left lane while at the intersection waiting for the lights to go green, and that another car was in the right lane. Correct?

DEFENDANT-Sí.

SERGEANT-You know a bit about cars, don't you? being a motor mechanic?

DEFENDANT-Claro, ¿Cómo no voy a saber?.

SERGEANT-Could you tell us how many **cylinders** your brother's car has and how many cylinders Mr Arumbu's car has?

DEFENDANT-El de mi hermano es de 4 cilindros porque es un auto pequeño y el del otro sería de 6 cilindros.

SERGEANT-Now, how could your brother with a much smaller car, have overtaken Mr Arumbu?

DEFENDANT-¿Por qué no? Todo depende del conductor no del auto, mi hermano fue más rápido en acelerar. Además tiene que tener en cuenta que lo que un auto grande tiene en **potencia** uno pequeño lo tiene en **velocidad**. Uno grande puede llevar más peso.

SERGEANT-**I put it to you** that your brother did not overtake Mr Arumbu at any time, that he was travelling behind Mr Arumbu, and that Mr Arumbu reached the parking spot first.

DEFENDANT-Usted puede decir lo que quiera, pero yo le estoy diciendo lo que ocurrió, y eso no es lo que usted acaba de decir.

SERGEANT-If I could take you back to the time when the fight started, do you recall who threw the first punch?

DEFENDANT-Sí, mi hermano.

SERGEANT-And you helped him, didn't you?

DEFENDANT-No, yo los quise separar. Si yo lo hubiese ayudado el hombre habría salido con más de un hueso roto.

SERGEANT-I put it to you that when your brother was punching Mr Arumbu, you went around the front of the car and grabbed Mr Arumbu from the back, on the arms, so as to make it easier for your brother to punch him.

DEFENDANT-Eso es mentira, yo fui a separarlos y me puse en medio de los dos.

SERGEANT-You heard Mr Arumbu say to the court that he had **bruises** on his arms where you had held him, didn't you?

DEFENDANT-Sí, lo oí, pero eso no significa que sea verdad, él puede decir lo que quiera, pero, ¿dónde están las pruebas?

-That is the **prosecution** Your Worship.

(The magistrate's ruling should be interpreted simultaneously)

MAGISTRATE-We are in court today to hear the case of Alejandro Rodriguez who has been charged with assault. The fact that his brother Carlos Rodriguez assaulted Mr Arumbu is not in dispute today, and neither are the circumstances that incited him to do so, this is not to say that I justify his action, but I'm sure this sort of incident has happened to all of us and we all know how it feels. However, the fact is that who got to the parking spot first is completely irrelevant to today's case. What's in dispute today is whether the **defendant** now before the court, Mr Alejandro Rodriguez did assault Mr Arumbu or whether he simply tried to separate the two men. For me to **convict** a defendant I must be sure **beyond any reasonable doubt** and the prosecution has not been able to convince me with their evidence. In fact I was able to draw the conclusion, from all the evidence heard today before this court, that it is most likely that Mr Alejandro Rodriguez was simply trying to break up the fight, especially because Mr Arumbu himself expressed at one stage during cross examination, that it was probable that Mr. Alejandro Rodriguez was only trying to separate them. In view of all this, I pronounce Mr Alejandro Rodriguez, the defendant now before the court, innocent of the charge laid against him.

NOTES:

Dialogue 2

At the District Court a ***witness*** *is cross examined in a claim for* ***damages*** *arising from negligent driving.*

(The barrister, after initial questions in direct speech, suddenly opts for the 'oblique oration', using this form of speech to the end of his examination).

BARRISTER-Now, if you can go back with your mind to the evening of 13 December 1987, you said before, that you were in the kitchen, that night, doing some work, when you suddenly heard someone screaming, is that correct?

WITNESS-Yes.

BARRISTER-Did you recognise the voice of the person who was screaming?

WITNESS-Era la voz de mi hermana que vive en la misma cuadra que nosotros, a tres casas.

BARRISTER-What did you do when you heard the screams?

WITNESS-Dejé todo lo que estaba haciendo en la cocina y salí afuera a ver qué pasaba.

BARRISTER-And, interpreter, ask her, what did she see when she went outside?

WITNESS-Vi a mi marido tirado en la vereda.

BARRISTER-Ask her if her husband was sitting on the kerb of the footpath.

WITNESS-¡No!, ¡qué sentado!, le dije que estaba tirado en el suelo.

BARRISTER-I will ask a question through the interpreter. The question is this: Her husband was sitting on the footpath, when Mrs Espinosa went outside, isn't that correct?

WITNESS-¡Le digo que no estaba sentado! Estaba tirado en la calle porque había sido atropellado.

BARRISTER-Ask her if she saw a car hit her husband.

WITNESS-No, yo no lo vi pero lo vio mi hermana que estaba afuera. Mi hermana después le dijo a mi hijo, que también estaba afuera.

BARRISTER-Did she hear her sister tell her son that her husband had been hit by a car?

WITNESS-No.

BARRISTER-She only saw her husband when she came out of the house and at that time he was sitting on the footpath, is that correct?

WITNESS-¿Cuántas veces le tengo que decir que no estaba sentado en la vereda sino tirado en el suelo?

BARRISTER-Was he lying down on the footpath, was he?

WITNESS-No, recostado no estaba, se notaba que había sido atropellado.

BARRISTER-I understand that he then got up and called the police, is that correct?

WITNESS-Nosotros lo ayudamos a levantarse entre todos y lo llevamos adentro. Él se quejaba de que le dolía toda la espalda. Luego un vecino llamó una ambulancia y a la policía.

BARRISTER-The ambulance came and took him to the hospital. Did she go with him to the hospital?

WITNESS-Sí.

BARRISTER-I understand her husband was discharged from the hospital after two hours, is that correct?

WITNESS-Sí, dos horas.

BARRISTER-You said in your Evidence-in-Chief that you assisted him for three months, namely from 14th December 1987 to 14th March 1988, because he was unable to look after himself. What did you actually do for him?

WITNESS-Lo lavaba, porque salió del hospital con un brazo colgando del cuello y no se podía hacer nada.También tenía que ayudarlo a vestirse, a ponerse los pantalones, los zapatos, todo, bah. También tenía que cocinarle.

BARRISTER-Cook for him? Ask her, as a general rule she was the one who cooked for the whole family in the house, wasn't she?

WITNESS-No, mi marido es cocinero de oficio.Tuvimos un restaurante hace unos años. Yo sé cocinar, pero la mayoría de las veces cocina él en casa.

BARRISTER-She said that she had to devote three hours a day for three months to look after him and that because of this she was unable to attend to her usual housework. Ask her if she can indicate the starting and finishing times, when she assisted her husband.

WITNESS-No le puedo decir exactamente a qué hora empezaba y a qué hora terminaba, eso es ridículo. Yo lo ayudaba cuando él me necesitaba. No tenía ningún horario fijo.

BARRISTER-She said in her Evidence-in-Chief that her husband has become nervous since he had the accident. Did he ever tell her that he was nervous?

WITNESS-No, no había necesidad de que me lo dijera, yo lo conozco muy bien y me doy cuenta.

BARRISTER-Ask her, Interpreter, if she can clarify that. Please ask her, how does she know that? I mean, that her husband is now a more nervous person than he was before.

WITNESS-Como le dije, yo lo conozco y me doy cuenta de que no es el mismo. Antes era un hombre muy alegre a quien le gustaba hacer muchos chistes conmigo y con los chicos. Ahora se irrita de nada y hace mucho que no le veo una sonrisa en la cara.

BARRISTER-She says that he is nervous because he doesn't smile any more?

WITNESS-No sólo porque ya no se ríe de nada ni sonríe, sino porque se enoja de cualquier cosita, nada le viene bien, critica todo y a todos, antes no era así.

BARRISTER-She said in her Evidence-in-Chief that her husband cannot lift heavy weights. Will you ask her why?

-Por causa del dolor en la espalda que se le empeora cuando hace algún **esfuerzo**.

BARRISTER-As a general rule, what sort of heavy weights is her husband supposed to lift at home, and how many times in a day?

WITNESS-¿Pero cómo puedo decirle cuantas veces al día tiene que levantar peso? Una, yo no estoy con mi marido cada minuto del día, y dos, no hay nada escrito sobre cuantas cosas tiene que levantar, no es un trabajo. Si necesita levantar algo lo levantará, no sé.

Bueno, antes hacía muchas cosas pesadas en la casa que ya no puede hacer más. Desde las cosas cotidianas, como sacar la basura, cortar el pasto, traer las bolsas pesadas del "shoppin", lavar el coche, a otras cosas más que él hacía porque le gustaban, como trabajar en la quinta y en el jardín y arreglar el coche, a él le gusta mucho la mecánica. Ya no puede hacer nada de eso y se siente muy frustrado.

BARRISTER-Was he doing all these things before the accident?

WITNESS-Sí.

BARRISTER-And after the accident he doesn't do anything at all? Is that what she says?

WITNESS-No, algo hace, lo menos pesado.A veces procura hacer lo que hacía antes pero le vuelve el dolor y lo tiene que dejar.

BARRISTER-No further questions, **Your Honour**.

NOTES:

Dialogue 3

Constable Thomas is giving evidence for the prosecution.

(This dialogue should used as practice for simultaneous/whispering interpreting)

QUESTION-Please state your name, rank and station.

ANSWER-My full name is George Thomas, I'm a constable of Police, stationed at Randwick.

QUESTION-At about 2.30 am, on Saturday 23rd March 1989, were you **off duty** and did you receive a phone call from Mr Roberts?

ANSWER-Yes I did.

QUESTION-As a result of that, did you immediately attend the Police Station and there did you see the **complainant** now before the Court, Ana Maria Orlando?

ANSWER-That's right.

QUESTION-And what took place then?

ANSWER-I spoke with a number of people in the foyer of the station, I then took the complainant into the Detectives' Office and I tried to have a conversation with her but couldn't because she couldn't speak English. I asked her what country did she come from and she said from El Salvador. I asked her what language and she said Spanish. So we rang up the Ethnic Affairs Commission to get an interpreter. The interpreter arrived half an hour later and we were then able to communicate.

QUESTION-Whilst she was having this conversation with you, were you recording it in your notebook?

ANSWER-Yes I was.

QUESTION-And after that did you contact Detective Senior Constable Baker?

ANSWER-Yes.

QUESTION-And did he attend the Police Station?

ANSWER-Yes.

QUESTION-Did you introduce him to the complainant and whilst he was interviewing her did you get details from the other people who were at the Police Station?

ANSWER-That's right.

QUESTION-At about 4.00 am, did you go with Detective Baker, the interpreter and the complainant to Randwick District Hospital and did you introduce the complainant to Dr Wright?

ANSWER-Yes, Detective Baker did.

QUESTION-A short time later did you go with Detective Baker to Bill St and did you remain in the motor vehicle whilst he had a conversation with the complainant's uncle with the help of the interpreter?

ANSWER-Yes.

QUESTION-Did you then return to the hospital with Detective Baker and the interpreter, and did you remain there until 5:30 am, and did you then leave with the complainant and did she show you various localities around the scene of the **alleged** assault, including the school grounds, and then you took the complainant home?

ANSWER-Yes.

QUESTION-At about 10 am , did you and Detective Baker go to Nelson St and met Mr Carrera, the **defendant** now before the Court, and did you conduct a **record of interview** with him at the Police Station?

ANSWER-Yes.

QUESTION-I'll show you a document, do you recognise this as being the record of interview we just spoke about?

ANSWER-Yes.

QUESTION-Might that be **marked for identification** Your Worship?

When you first saw the complainant, what was she wearing?

ANSWER-A yellow sloppy joe, a pair of blue denim jeans and ugh boots.

QUESTION-I show you **Exhibit** "4", what do you say about that?

ANSWER-Yes that's what she was wearing.

QUESTION-If you look at the photograph again, do you notice there is staining on both knees from the knee down to the ankle area? Did you observe that at the time you spoke to her?

ANSWER-Yes I did.

QUESTION-Did you notice whether she was wearing any jewellery?

ANSWER-Yes, she had a gold chain around her neck with a cross on it.

QUESTION-And what was her emotional state?

ANSWER-She was crying and she was very distressed.

(THE HEARING CONTINUES WITH FURTHER EVIDENCE PRESENTED)

MAGISTRATE-I will get you to stand up Mr Carrera. You are being charged before this Court with on or about 23rd day of March 1989, at Randwick, in the state of NSW, you did have **sexual intercourse** with Ana Maria Orlando, without her consent. You are further charged that at the same time and place you did commit an act of indecency upon

her, she then being under the age of sixteen years, **to wit** the age of fifteen years. You are further charged that on or about the same time at the same place you did assault her and did then beat and otherwise ill-treat her.

Having heard the **evidence** presented by the **Prosecution**, and after having heard all of the **witnesses'** evidences in this matter, I am of the opinion that a **prima facie case** has been made against you on each of those charges. I am required to address you in accordance with the terms of the Justice Act. You may have reference to your **counsel**, Mr Moore, before you say anything. Do you wish to say anything in answer to these charges? You are not obliged to say anything unless you desire to do so, but whatever you do say will be recorded and may be given in evidence against you at your **trial**. You are also informed and are clearly to understand that you have nothing to hope from any promise of favour and nothing to fear from any threat which may have been holden out to you to induce you to make any admission or confession of your guilt, but whatever you do say, as I said, may be used against you in your trial, notwithstanding such promise or threat. Do you wish to say anything at this stage?

DEFENDANT-Que soy inocente.

MAGISTRATE-Do you wish to say anything Mr Moore?

SERGEANT-No Your Worship.

MAGISTRATE-Then you are committed to stand for trial at the Sydney **Supreme Court** to be holden on 13th March 1995, or at such other Court to be holden at such time and place as the **Attorney General** may appoint.

On the question of bail, the defendant is presently on **bail**, is that bail sufficient as far as you are concerned sergeant?

SERGEANT-The bail has conditions that he not molest or approach the complainant or any witnesses. I have no objection to that bail continuing.

MAGISTRATE-All right, bail will continue. It will be necessary for you to go into the office to be **served** with the **notice of your continuance of bail** in this **matter**.

NOTES:

Dialogue 4

Mr Blanco is being cross examined at a Workers' Compensation Hearing for a work related injury . The Hearing has just resumed after the lunch ***adjournment***.

JUDGE-Mr Blanco, remember that you are still under oath to tell the truth from this morning. Lying under **oath** constitues **perjury**.

PLAINTIFF-Ningún problema Su señoría, yo siempre digo la verdad y especialmente si he **jurado** en la Biblia,

BARRISTER -Mr Blanco, you said in Examination-in-Chief, correct me if I'm wrong, that on 4 April 1990 you were working on a **scaffolding**, **welding** some elements onto some big pipes and suddenly one of the elements fell on your foot, you lost control and fell. Is that right?

PLAINTIFF-No, así no fue. Normalmente ese trabajo se hace entre tres porque los elementos pesan unos 3 kilos cada uno y hay que atar como 10 elementos juntos con alambre antes de poder soldarlos. Ese día los muchachos que me ayudaban faltaron y el capataz no quiso que ningún otro dejara de hacer su trabajo para venir a ayudarme a mí, así que lo tuve que hacer solo.

BARRISTER-Just listen to the question as it is being interpreted to you in your own language, and answer what I ask you, just what I ask you, don't add any unnecessary information.

You disagree with what I told you, how then, do you say now, that the accident took place?

PLAINTIFF-Bueno, si me deja explicar. No fue un solo elemento que se me cayó en el pie, fueron los 10 que estaba soldando. Cuando se me cayeron yo me eché para atrás para esquivarlos porque si no se me habrían caído en la cabeza. Después me caí sentado sobre el **tablón**.

BARRISTER-You just corroborated that only one foot took the blow. How can you explain then, Mr Blanco, that when you saw three specialists for the **respondent**, you insisted that both your feet were giving you trouble, and what's more, your back also.

PLAINTIFF-Eso no me lo explico porque nunca sentí ninguna molestia en el pie izquierdo, habrá sido un mal entendido, quizá el intérprete interpretó mal, yo qué sé. Ahora, en la espalda sí, eso sí. El médico me dijo que fue por haberme caído sentado. El día del accidente casi no me podía ni mover.

BARRISTER-I put it to you that you said that in order to get more money for compensation because you really haven't got much wrong with you.

The specialists state in the reports of 15 September 1991, 4 October 1992 and 5 January 1993, that you walk without any problems and that you tend to exaggerate when asked about pain.

PLAINTIFF-Mire, usted a mí no me intimida. Yo no soy ningún mentiroso ¿sabe?. El accidente lo tuve, me reventé el pie y me lesioné la **columna**. El pie lo recuperé pero la espalda me sigue doliendo muchísimo. Lo que sé es que perdí mi trabajo, que pagaba muy bien, y ahora estoy por perder la casa porque no puedo pagar la hipoteca.

BARRISTER-I put it to you that you have fully recovered from your foot and that your back problem is due to preexisting **degenerative changes** which are caused by age and not by the accident.

Your employer paid you compensation for the period for which you were entitled and now you want to get enough money to pay off your house.

PLAINTIFF-Las radiografías no mienten. Ahí muestran que tengo la espalda mal y que me fracturé el pie, y todo por negligencia de mi capataz. Ahora tengo la vida arruinada, ya no puedo trabajar, no puedo jugar al fútbol, casi ni puedo tener relaciones con mi señora.

BARRISTER-Mr Blanco, you say you can't play soccer anymore, yet on 12 July 1992 you were seen playing soccer in Granville for the whole ninety minutes. You even scored a goal. If His Worship allows it, I will have the video shown now.

NOTES:

Dialogue 5

A Spanish speaking migrant is at an Arbitration for a Third Party claim.

ARBITRATOR-The evidence you will give at this Arbitration shall be the truth, the whole truth and nothing but the truth. Please say in the Spanish language: **So help me God**.

WITNESS-Que Dios sea testigo.

BARRISTER-Could you please tell us your full name, address and occupation?

WITNESS-Me llamo Ramón Benites, vivo en 34/3-10 Crystal St, Cabramatta y trabajo en la construcción.

BARRISTER-Mr Benites I'll take you back to 16 January 1992 at about 5pm. Do you remember what happened on that particular day?

WITNESS-Sí, ese fue el día del accidente.

BARRISTER-Could you please tell the Arbitrator exactly what happened.

WITNESS-Sí. Esa tarde veníamos, mi señora, los chicos y yo, de una cita que yo tuve con el médico. El doctor estaba en North Sydney y era la primera vez que iba. A la vuelta, en la Pacific Hwy, mientras estábamos parados en un semáforo, esperando a que cambiara a verde, yo me puse a mirar el mapa porque estaba perdido.

BARRISTER-What **lane** were you in?

WITNESS-Estaba en el carril que tiene la flecha para doblar a la derecha. Como ya dije, el semáforo estaba rojo.

BARRISTER-So what happened next?

WITNESS-Bueno, mientras yo estaba mirando el mapa, lo tenía apoyado en el **volante**, sentí un golpe en la parte trasera del coche. Enseguida me di cuenta de que el coche de atrás me había **chocado**, así que me bajé para ver si me había dañado el auto. Me fijé y vi que no había ningún daño así que le dije a la chica que manejaba el otro coche que no se preocupara. Ella también se había bajado a mirar. Después nos fuimos los dos a nuestros respectivos vehículos.

BARRISTER-Mr Benites, how do you know that the other car hit you instead of you being the one who rolled back and hit the other car?

WITNESS-Sé perfectamente bien que mi coche no se fue para atrás por varias razones. Primero, yo tenía puesto el freno de mano y el pie en el freno, segundo, el coche en ese momento era nuevo, modelo 90, así que el freno no me pudo haber fallado; y tercero, si el coche se hubiera ido para atrás, los chicos se habrían dado cuenta y habrían dicho algo.

BARRISTER-What happened when the lights changed?

WITNESS-Antes de que cambiaran las luces, la chica se bajó del coche y me vino a hablar por la ventanilla. Mi hijo me dijo, porque yo no entiendo inglés, que la chica

quería que dobláramos en esa calle y paráramos para hablar porque el coche de ella no andaba bien.

BARRISTER-Did you say anything back to the driver of the other car?

WITNESS-No. Cuando doblamos paramos en la **banquina**, nos bajamos y ella nos vino a hablar. Yo no le entendía nada así que le habló a mi hijo y él me tradujo algo. Parece que ella me culpaba a mí por el choque y decía que yo le tenía que pagar el daño que le había causado, que le había roto el **radiador**. Ella después se fue a llamar a la policía.

BARRISTER-Did you agree with what she said?

WITNESS-Claro que no, si yo no le había hecho nada. El coche de ella tenía un pequeño **bollo** pero no había sido culpa mía. Le abrí el **capot** para ver de qué era que estaba hablando y de lo único que me di cuenta es de que el radiador no tenía nada de agua y por eso se le había recalentado el motor, no por el choque.

BARRISTER-Did the police arrive?

WITNESS-Sí, llegaron a la media hora, pero antes llegaron un montón de **grúas remolcadoras**. Uno de los **choferes** hablaba castellano, así que me pude comunicar con la policía por medio de él.

BARRISTER-What did the police say? Did they charge either of you?

WITNESS-No, no nos **multaron** a ninguno de los dos. Por lo que entendí dijeron que era mi palabra contra la de ella y que nos arregláramos entre nosotros. Entonces yo me fui y pensé que todo se había acabado hasta que recibí la citación para venir aquí.

BARRISTER-That's the evidence Arbitrator.

Cross-Examination

BARRISTER-Mr Benites, how can you be so sure that you had both your **hand brake** on and your foot on the brake?

WITNESS-Estoy seguro porque yo en Argentina fui **colectivero** por 20 años y esa era una de las reglas. Una vez me cobraron una multa por no tener el pie en el freno junto con el freno de mano puesto mientras que subía la gente y desde ese entonces nunca más me olvidé de hacerlo. Así que de eso estoy muy seguro.

BARRISTER-When you say you felt a **bump**, did it feel to you like a big impact? Did it make a loud noise?

WITNESS-No, el impacto no fue grande porque a mí no me movió del asiento, ni a ninguno de mi familia. Ahora, el ruido sí fue bastante fuerte.

BARRISTER-When you were looking at the map, were you constantly looking down, or were you looking up out the **windscreen** every now and then to see if the lights had changed?

WITNESS-No, estaba mirando el mapa constantemente porque le había pedido a mi señora que me avisara cuando cambiara el semáforo.

BARRISTER-Don't you think that if you were looking down all the time it would have been very easy to roll backwards without your noticing, because you had no point of reference to guide you?

WITNESS-Pero se habrían dado cuenta los chicos.

BARRISTER-Just answer the question.

WITNESS-Sí, quizás yo no me habría dado cuenta, pero como ya le dije sería imposible porque era un coche nuevo y tenía el freno de mano puesto y el pie en el freno.

BARRISTER-Are you aware that the applicant is claiming $5000 for damages to her car? How do you explain that, if you said there was hardly any damage to her car?

WITNESS-Bueno, eso es lo que no me explico porque mi auto no se dañó para nada, así que no sé cómo el de ella se pudo haber dañado tanto. Lo único que puedo pensar es que ella esté cobrando por daños que el coche ya tenía.

BARRISTER-I put it to you that you did roll back and hit Ms Johnson's car and that you are liable for the damage. What do you say to that?

WITNESS-Que está muy equivocado.

BARRISTER-No further questions, Arbitrator.

NOTES:

Dialogue 6

At an Arbitration. The dispute involves two motorists, both Spanish speakers, Mr Campos is the claimant who is suing Mr Herrera, the respondent, for damages.

Examination of first witness (the claimant)

ARBITRATOR-Do you swear that all the evidence you are about to give at this arbitration shall be the truth, the whole truth and nothing but the truth? If so, say: "So help me, God."

-Que Dios sea testigo.

Examination-in-Chief

BARRISTER-Could you state your full name and address please?.

CLAIMANT-Omar Campos, 66 Salisbury Rd, Punchbowl.

BARRISTER-Mr Campos, let's go back to the morning of 3rd September 1993.

CLAIMANT-Perfecto.

BARRISTER-You were driving your car, a blue Falcon sedan, on Newbridge Road, Moorebank at about 3.30 pm on that day?

CLAIMANT-Sí.

BARRISTER-You were proceeding in a northern direction?

CLAIMANT-Sí.

BARRISTER-Who was in the car with you?

CLAIMANT-Estábamos mi esposa y yo, y en el asiento de atrás estaba mi suegra con mis tres hijos.

BARRISTER-How fast were you driving?

CLAIMANT-En ese lugar se podía ir a 80km/h pero yo iba a más o menos 65 ó 70km/h porque viajaba con toda la familia.

BARRISTER-Will you tell us what happened?

CLAIMANT-De repente un coche se nos cruzó en frente.

BARRISTER-Which lane were you travelling in?

CLAIMANT-La izquierda.

BARRISTER-Which lane did the other car come from?

CLAIMANT-Vino de otro carril, creo, en relidad no lo vi venir.

BARRISTER-Mr Campos, suppose we number the lanes 1, 2 and 3, starting from the left. Which lane were you travelling in and from which lane did the other car come from?

CLAIMANT-Bueno, yo iba por el carril 1 y el otro tipo por el 2, creo, como ya le dije no lo vi venir.

BARRISTER-When did you first see the other car?

CLAIMANT-Cuando lo tenía encima .

BARRISTER-What did you do?

CLAIMANT-Frené para no chocarlo.

BARRISTER-Were you able to stop your car?

CLAIMANT-No, estábamos muy cerca, no pude evitar el **choque**.

BARRISTER-Where did you hit the other car?

CLAIMANT-La parte trasera, del lado izquierdo.

BARRISTER-At what speed were you travelling at the moment of the impact?

CLAIMANT-A 40 ó 45 km/h, había aminorado la velocidad para evitar el choque.

BARRISTER-Did your car **skid** on the road when you applied the brakes because you wanted to avoid the **collision**?

CLAIMANT-Sí.

BARRISTER-How much?

CLAIMANT-¿Qué?

BARRISTER-For how long did your car skid on the road?

CLAIMANT-No sé bien, unos diez o quince metros.

BARRISTER-Mr Campos, was your car in working order before the collision?

CLAIMANT-Sí, es un buen coche, siempre ha andado muy bien.

BARRISTER-Have you had your car repaired since the accident occurred?

CLAIMANT-Sí, claro, necesito el coche para ir a trabajar.

BARRISTER-What was the cost of the repairs, Mr Campos?

CLAIMANT-Déjeme ver... tiene que estar en esos papeles que tiene usted ahí... $2870, creo.

BARRISTER-No further questions, Mr Arbitrator.

Cross examination

BARRISTER 2.-Mr Campos, when did you first see the car you collided with?

BARRISTER 1.-I **object**, Mr Arbitrator. My client has already answered that question.

BARRISTER 2.-Alright, I withdraw the question. Mr Campos, you said in Examination-in-Chief that you didn't see the other car, the one you hit, when it was travelling alongside your car?

CLAIMANT-No, no lo vi.

BARRISTER-I put it to you, Mr Campos, that you saw the other car travelling alongside, in the near lane, for a section of the road.

CLAIMANT-No, le digo que no lo vi.

BARRISTER-I put it to you that the other car increased its speed, overtook you, overtook some parked cars and then it activated a signal to indicate its intention of moving into lane number 1.

CLAIMANT-No le puedo decir si hizo o no hizo lo que usted me acaba de decir, yo no vi nada de eso.

BARRISTER-I put it to you that you followed the other car after he overtook you and you moved into the left lane at a very close distance behind it.

CLAIMANT-¿Cómo quiere que me acuerde de eso? De Sydney a Queanbeyan y de Queanbeyan a Sydney, todo el mismo día, quizás hice lo que usted dice veinte o cuarenta veces, ¿quién sabe?

BARRISTER-I put it to you that when you started applying the brakes you were travelling at about 100 km/h, not 70-75 k's as you said.

CLAIMANT-No, eso es mentira, iba a unos 65 ó 75 kilómetros por hora, todo el camino.

BARRISTER-Which part of the other car was damaged in the impact, Mr Campos?

CLAIMANT-La parte trasera, donde está el **guardabarros**.

BARRISTER-Was your car damaged Mr Campos?

CLAIMANT-Sí.

BARRISTER-How old is your car?

CLAIMANT-Modelo 1986.

BARRISTER-When was the last service for your car done, for which you can produce a receipt, Mr Campos?

CLAIMANT-La verdad que no sé, el accidente ocurrió en el 1993, ya hace dos años, no me acuerdo, yo no guardo los recibos por tantos años, yo qué iba a saber que ahora los iría a necesitar.

BARRISTER-No further questions.

Examination of second witness (the respondent)

BARRISTER-I call mr Herrera, Mr Arbirator.

ARBITRATOR- Do you swear that all the evidence you are about to give in this arbitration shall be the truth, the whole truth and nothing but the truth? If so, say: So help me, God.

RESPONDENT-Que Dios sea testigo.

BARRISTER-Can you give the court your full name and address?

RESPONDENT-Manuel Herrera, 85 Frenchman Avenue, Milperra.

BARRISTER-Mr Herrera, if you can cast your mind back to the afternoon of September 3, 1993.

RESPONDENT-Ya.

BARRISTER-Were you driving your car, a white Holden Kingswood on Newbridge Road on that day, Mr Herrera?

RESPONDENT-Sí.

BARRISTER-Did anything happen on that day?

RESPONDENT-Sí, me chocó otro coche.

BARRISTER-Can you tell us exactly what happened?

RESPONDENT-Veníamos en el auto, mi mujer y yo, de regreso de Queanbeyan donde habíamos ido a visitar a nuestra hija casada, y cuando estábamos en la Newbridge Road, mi esposa me dijo: .....

BARRISTER-Mr Herrera, you are not allowed to say that.

RESPONDENT-¿No quiere saber lo que me dijo mi mujer?

BARRISTER-No, you are not allowed to report to us what your wife said.

RESPONDENT-Pero si no le digo lo que me dijo mi mujer no me van a entender.

BARRISTER-Mr Herrera, there are rules of evidence that govern these proceedings. Just say, my wife said something, and then I did so and so...

RESPONDENT-*(smiling)* Muy bien, entonces, mi esposa me dijo algo y yo me preparé para cambiar de carril, porque teníamos que parar en una verdulería que se encuentra a la mano izquierda.

BARRISTER-Good. Where were you travelling Mr Herrera?

RESPONDENT-¿Cuando mi mujer me dijo...algo?

BARRISTER-Yes.

RESPONDENT-Iba por el carril del medio y para poder entrar en la verdulería primero tuve que cambiar de carril.

BARRISTER-What did you do then, Mr Herrera?

RESPONDENT-Puse el guiñe pero no cambié de carril porque vi que había coches estacionados en la carretera.

BARRISTER-And then?

RESPONDENT-Pasé unos coches, no me acuerdo cuantos, unos cinco o seis. Miré otra vez para la izquierda y cambié de carril.

Casi había llegado a la verdulería así que doblé las ruedas hacia la izquierda y entré al estacionamiento de la verdulería.

BARRISTER-Yes, Mr Herrera. Go ahead.

RESPONDENT-Entonces fue cuando oí un ruido fuerte, y se movió todo el coche. Como ya le dije, el coche tenía las ruedas hacia la verdulería, así que cuando me chocaron de atrás me empujaron aún más hacia adentro del estacionamiento.

BARRISTER-Mr Herrera, when you moved from lane 2 to lane 1, that is from the middle lane into the left lane of the road, did you notice any car travelling behind you, before you reached the fruit market and started entering the fruit market car drive?

RESPONDENT-No.

BARRISTER-No further questions.

Cross examination

BARRISTER-Mr Herrera, you were travelling in the middle lane, Newbridge Road, northbound direction on that afternoon, coming from Queanbeyan where you had visited your son, is that correct?

RESPONDENT-Mi hija, no mi hijo.

BARRISTER-Sorry, your daughter. Where was your wife sitting?

RESPONDENT-Al lado mío, en el asiento de adelante.

BARRISTER-And suddenly your wife, who was sitting next to you, pointed out with her hand, like this (indicates) and then said: Stop there, drive into that supermarket over there.

RESPONDENT-Yo que estaba ahí no puedo decir lo que dijo mi mujer, y él que no estaba y no tiene ni idea de lo que pasó, puede decir lo que dijo mi esposa!. Claro que está equivocado, ella no dijo eso.

BARRISTER-I put it to you that's what she said, more or less.

RESPONDENT-No, eso no es lo que dijo. *(to arbitrator)* ¿Me permite, me permite decir lo que dijo mi mujer por favor?

MAGISTRATE-Yes, tell us what she said.

RESPONDENT-Ella dijo: No tenemos mucha fruta y verdura en casa, si ves una verdulería, pará así compramos algo.

BARRISTER-And at the same time she saw one on the left hand side, and she pointed it out to you and you saw it too and moved immediately to the left lane.

RESPONDENT-No señor, cuando me mencionó la verdulería no se veía ninguna en el camino, yo la vi después y fue entonces cuando puse el **señalero** y esperé hasta que pude cambiar de carril sin ningún peligro, o sea, pasé los coches estacionados, miré nuevamente y cambié de carril.

BARRISTER-Mr Herrera, when you moved into the left lane, were there any cars parked there?

RESPONDENT-Sí.

BARRISTER-Mr Herrera, do you remember the last car, the last of those stationary cars that you passed.

RESPONDENT-No.

BARRISTER-Was the last car you passed, was it stationary or moving?

REPONDENT-Creo que estaba parado, pero no sé, quizás estaba andando muy despacio, no estoy completamente seguro.

BARRISTER-I put it to you that the last car you passed was travelling at about the same speed as yours, Mr Herrera.

RESPONDENT-No, no a la misma velocidad que el mío, imposible.

BARRISTER-I put it to you that you cut across the other car to get into the driveway.

RESPONDENT-No, eso es mentira, yo no me metí en frente de nadie.

BARRISTER-No further questions.

Both barristers address arbitrator, who then says:

ARBITRATOR-I heard what all of you had to say and I have decided to reserve my decision. It will be advised in writing to the solicitors, so that they can in turn inform their clients. Thank you, ladies and gentlemen.

Dialogue 7

Mr Miranda is being examined at the local court regarding a charge of negligent driving.

SOLICITOR-I call the defendant Mr Miranda.

COURT OFFICER- The evidence you shall give touching the matter now before the Court, shall be the truth, the whole truth and nothing but the truth. Please say: So help me God"

DEFENDANT-Que Dios sea testigo.

MAGISTRATE-Take a seat behind the microphone please. Yes Ms Clark.

SOLICITOR-Thank you Your Worship. Can you tell the court your full name please.

DEFENDANT-Raul Pablo Miranda

SOLICITOR-And Mr Miranda, your current residential address. Can you tell the court your home address please?

DEFENDANT-371 Petry St Wetherill Park.

SOLICITOR-And you're employed? Is that right?

DEFENDANT-Sí, soy verdulero.

SOLICITOR-Now, Mr Miranda, if you cast your mind back now to the evening, or the early hours of Wednesday the 24th December when you were involved in a motor vehicle accident in your Ford Laser.

DEFENDANT-Sí.

SOLICITOR-And that it was in Laura St Merrylands.

DEFENDANT-Sí

SOLICITOR-Now, you were driving the vehicle at the time.

DEFENDANT-Sí.

SOLICITOR-Just concentrate on what happened immediately before the accident, were you driving towards Laura St?

DEFENDANT-Iba conduciedo hacia el sur.

SOLICITOR-Which street?

DEFENDANT-Creo que se llamaba Fig St.

SOLICITOR-So I take it you were turning into Laura St, were you?

DEFENDANT-Sí, así es.

SOLICITOR-Right. Now just in your own words, what speed do you say you were doing at the time?

DEFENDANT-Iba a unos 60 Km/h cuando llegué a la curva.

SOLICITOR-Did you notice anything happening when you were at the bend?

DEFENDANT-Cuando llegué a la curva sentí un ruido fuerte que venía de la mano izquierda.

SOLICITOR-Left hand side of what?

DEFENDANT-Del auto, la parte delantera.

SOLICITOR-Did anything happen while you were driving the car at the bend?

DEFENDANT-Después oí dos ruidos fuertes, uno después del otro. En realidad no me acuerdo si fueron uno inmediatamente después del otro, o si pasaron unos segundos entre ruido y ruido. Fue entonces cuando traté de doblar rápido por la curva y choqué, y en ese mismo momento oí los ruidos y perdí control del coche.

SOLICITOR-Just pause there Mr Miranda, when you say you lost control, what were you trying to do to control your vehicle?

DEFENDANT-Di vuelta el volante, o mejor dicho traté de dar vuelta hacia la derecha para evitar el choque pero el volante no respondía, o sea no podía darlo vuelta más, había llegado al límite.

SOLICITOR-So there was no **steering** left, and then what happened?

DEFENDANT-Bueno, el coche se me iba, entonces traté de subirme a esa plataforma que está en el medio de la calle.

SOLICITOR-Just pause there again, you say you were going for that "platform", was that the island to your right or to your left?

DEFENDANT-A la izquierda.

SOLICITOR-And then what?

DEFENDANT-Bueno, entonces empecé a patinar y fue en ese momento cuando oí el otro ruido que me hizo doblar y me fui derecho hacia el poste.

SOLICITOR-Right, and from the time you first heard the noise, I withdraw that, you said your car was going straight towards the pole, did it in fact hit the pole?

DEFENDANT-Sí.

SOLICITOR-Now, from the time you heard the first noise to the time you hit the pole, do you have any idea as to how long that might have been?

DEFENDANT-Y.... más o menos unos 5 segundos.

SOLICITOR-At the time when you were driving through the **bend**, did you observe any other motor vehicle anywhere near?

DEFENDANT-No, no había ningún otro vehículo.

SOLICITOR-Did you observe any **pedestrians**?

DEFENDANT-No.

SOLICITOR-Now, I'll show you six photographs, just briefly look at them. You've seen those photographs now, would you agree with me that they are photographs that you have taken of the area where the accident took place?

DEFENDANT-Sí.

SOLICITOR-Can you tell the Court when you took the photographs?

DEFENDANT-Fui con mi hermano el día después del accidente a eso de las doce. También iban unos amigos. Fuimos a sacarle fotos al lugar, aquí me puede ver a mí en el fondo.

SOLICITOR-When you say the day after, was that on Christmas Eve or Christmas Day?

DEFENDANT-Era Navidad.

SOLICITOR-So it was the actual day?

DEFENDANT-No, bueno, no cuando ocurrió el accidente.

SOLICITOR-It was Christmas Eve?

DEFENDANT-Ah sí, perdón.

SOLICITOR-It's OK. Now, did you have your lights on in your motor vehicle at the time of negotiating the bend?

DEFENDANT-Sí.

SOLICITOR-And were your lights functioning as far as you know?

DEFENDANT-Sí

SOLICITOR-Just finally, a couple of questions about the two noises you said you heard, do you have any idea of the time lapse between those? Were you able to recall that?

DEFENDANT-No entiendo.

SOLICITOR-Well, from the time of the first noise to the time the second noise occurred, was that a short time, any time, or what?

DEFENDANT-Poco.

SOLICITOR-Now, if you could just have a look at Exhibit 2, that is the sketch plan that His Worship has and if you look at that sketch plan, at the area that you would have been coming from in your car, you will find the constable has marked on there where a **speed advisory sign** 35Km is situated, on the evening that this accident occurred, did you observe that speed advisory sign?

DEFENDANT-No, no había ningún cartel ahí, o si había yo no lo ví.

SOLICITOR-I **tender** the photographs.

Now have you since the time of the accident gone back to take some measurements at the scene of the accident?

DEFENDANT-Fui hace unos días y medí más o menos con mis pasos, entre el **bache** y el poste. Calculé que serían unos 23 ó 25 metros.

SOLICITOR-Yes. Thank you. And was the pothole still there a couple of nights ago?

DEFENDANT-No, ya lo habían arreglado.

SOLICITOR-Is there a sign of the repair work there?. In other words, can you see where the road has been repaired?

DEFENDANT-Sí, se puede ver con claridad.

SOLICITOR-Yes, thank you, no further questions.

MAGISTRATE-Thank you. Yes Sergeant.

SERGEANT-So you were making, attempting to negotiate the corner and you heard a noise, was that on the driver's side or on the passenger's side?

DEFENDANT-Fue en el lado izquierdo, o sea en el lado del pasajero.

SERGEANT-So you heard this noise on the passenger side of the front of the car, and then you lost control of the steering.

DEFENDANT-Sí.

SERGEANT-Did you apply your brakes when you lost control of the car?

DEFENDANT-Sí, lógico.

SERGEANT-Did you skid or slide as a result of that?

DEFENDANT-Reboté, creo que también patiné, aunque no oí ningún ruido.

SERGEANT-Could you tell the court how many people were in the car and what their ages were?

DEFENDANT-Había 6 personas, y las edades, bueno, yo no los conozco tan bien como para saber las edades, pero eran todos jóvenes.

SERGEANT-Where had you been that night?

SOLICITOR-I object Your Worship

MAGISTRATE-Yes. What is your objection?

SOLICITOR-Where he had been prior to the accident is not relevant to what in fact takes place at the incident

MAGISTRATE-It certainly can be relevant, I can think of several answers which could be highly relevant but I can thinkof several answers that could be irrelevant. It would be in my submission, a relevant question if there had been a consumption of alcohol, but that is not the case here. In that case I don't think the answer would be relevant, so I'll disallow the question. Ask another question sergeant.

SERGEANT-Thank you Your Worship.

I'll show you a photograph marked A3 that indicates the direction in which you were to travel or you did travel. After you have looked at it closely as to where the pothole is on the roadway, would you agree with me that it appears to be in the middle of the road?

DEFENDANT-No, no en el medio de la calle, está en la mano izquierda, ahí la calle es bastante ancha.

SERGEANT-So does the pothole in the road extend also across to the right hand side?

DEFENDANT-No entiendo.

SERGEANT-Just look at that photograph again. Are you able to tell the court what distance there is from the right hand side of the pothole to the curve, by looking at that photograph?

DEFENDANT-Bueno yo había calculado unos tres metros o más.

SERGEANT-Don't you agree with me that the distance on the photographs looks much greater than 3 or 4 metres?

DEFENDANT-La verdad que sí, pero estas fotos no están muy bien sacadas, están un poco distorsionadas, la distancia aparenta ser mucho mayor a lo que es realmente.

MAGISTRATE-Sergeant, I take it that the prosecution is not able to dispute the accuracy of the photographs.

SERGEANT-Well, Your Worship, you can't see the scene without the aid of the photographs, so you can't help that.

MAGISTRATE-Do you wish to proceed sergeant?

SERGEANT-No Your Worship.

The magistrate's ruling should be interpreted in the simultaneous whispering mode.

MAGISTRATE-The information against the defendant would be for negligent driving. It is alleged that his collision with the telegraph pole was caused owing to the fact that he hit something on the road, the car bounced on the road, he then lost control of the car and hit the pole. Now, the defendant has given evidence by taking photographs the next day, of the road surface involved in the accident and indeed it shows an unusual configuration, not what I would call a pothole, it seems to be an area where there has been some **subsidence** in the **bitumen** and whilst the bitumen was hot it has been squeezed up into an uneven **mound**. Certainly in my opinion, the shape of that mound could easily cause a vehicle travelling along the roadway and coming into contact with it to lose control to a lesser or greater extent. Having in mind that the accident took place at 1.40 am and that the defendant was not aware of the existence of that obstruction, then indeed he would have been caught by surprise. Whether or not the defendant was travelling at an excessive speed, I am not able to say, there are no independent witnesses. I have drawn the conclusion that the mound in the middle of the roadway is sufficient for this court to always have a doubt in relation to the driving of the defendant. The doubt being that the defendant could well have driven in a reasonable manner, and accordingly, the benefit of the doubt is entitled to be given to the defendant according to the information.

NOTES:

Dialogue 8

Mrs Barrientos is giving evidence before a Workers Compensation Judge for the approval of a ***Redemption application***.

COURT OFFICER-Please hold the Bible in your right hand and face His Honour.
Silence please.
The evidence you are about to give before this Court shall be the truth, the whole truth and nothing but the truth. Please say in the Spanish language "So help me God".

APPLICANT-Que Dios sea testigo.

JUDGE- (To the **applicant**) Sit down please. (To the barrister) Yes Ms York.

BARRISTER-Thank you Your Honour.
Is your full name Norma Luisa Barrientos?

APPLICANT-Sí.

BARRISTER-You were born on 3/7/1935 in Uruguay and arrived in Australia on 4/2/1975?

APPLICANT-Sí.

BARRISTER-And do you live at 7/30 Vivian St Canley Vale?

APPLICANT-No, me mudé, ahora vivo en 150 Rose St Bossley Park.

BARRISTER-I amend the application Your Honour to include the new address.
Is it correct that you have worked for Rose Hospital as a cleaner for 9 years, from June 1978 to July 1987, where you performed your duties with no problems at all?

APPLICANT-Sí.

BARRISTER-And on 10 May 87 you were on your way to work and you suffered a motor vehicle accident which resulted in your receiving injuries to your neck and back, is that correct?

APPLICANT-Sí, correcto.

BARRISTER-Do you agree that you received workers compensation payments for the period of 3 years?

APPLICANT-Sí.

BARRISTER-I will now show you a document. Does your signature appear on the bottom of that document?

APPLICANT-Sí.

BARRISTER-I tender the document Your Honour.
And has the effect of that document been explained to you by me with the assistance of an accredited interpreter who has read it in your own language?

APPLICANT-Sí, usted me lo explicó todo por medio del intérprete.

BARRISTER-You do understand that this document represents the agreement you have come to with the respondent to settle your case once and for all for the amount of $16,500, which after paying for all the outstanding medical expenses of $642, it will leave you with an amount of $15,858 in your hand?

APPLICANT-Sí. No estoy muy contenta con la cantidad pero ¿qué le vamos a hacer?

BARRISTER-And that the **respondent** has been **redeemed** of all **liability** in respect of this claim, that means that after this day you cannot claim any more money from the respondent either in this court or in any other court.

APPLICANT-Sí.

BARRISTER-That's the evidence Your Honour.

JUDGE-(To the applicant) Do you understand that the settlement does not only cover the injuries to your back and neck but also to any other part of the body that might have been affected during the course of your employment with Rose Hospital, or any depression and anxiety related to your injuries?

APPLICANT-Sí, así me lo explicó la abogada.

JUDGE-Having heard the evidence and read all the medical reports, I understand that this is a case where the applicant had to come to a compromise, due to the conflicting medical opinions and therefore I approve the redemption for the amount of $16,500 according to the **Short Minutes of Order**. You may go now Mrs Barrientos.

NOTES:

Dialogue 9

Mr Otero has injured himself at work and is claiming Workers Compensation. He is sworn in through an interpreter.

COURT OFFICER-The evidence you are about to give before this Court shall be the truth, the whole truth and nothing but the truth. Please say in the Spanish language: "So help me God"

APPLICANT-Que Dios sea testigo.

JUDGE-Take a seat please Mr Otero.

Examination in Chief

BARRISTER-Is your full name Manuel Otero, and do you still reside at 10 Nelson St Cabramatta?

APPLICANT-Sí, me llamo Manuel Otero pero ya no vivo en esa dirección, me mudé, ahora vivo en 12/295 Canterbury Rd Campsie.

BARRISTER-I amend the application to include the new address Your Honour.
You were born on 24 November 1941 in Argentina. Is that correct?

APPLICANT-Así es.

BARRISTER-You are a married man and you have a dependant wife and a dependant child. If that is correct, could you tell the court how old your dependant child is?

APPLICANT-Sí, es correcto. Mi nena tiene 12 años.

JUDGE-12. Does she or he, I don't remember what you said, go to school?

APPLICANT-Sí, va a la secundaria.

JUDGE-What's her date of birth?

APPLICANT-Eh..nació el 12 de abril del...80.

JUDGE-Yes Mr. Williams, you may proceed.

BARRISTER-How old were you when you left school?

APPLICANT-¿Yo? 12 años.

BARRISTER-You came to Australia shortly before you commenced work with Browns Pty Ltd, is that right?

APPLICANT-Sí, llegamos en julio del 1973, el... 26, creo, si mal no recuerdo.

JUDGE-When did you start work with Browns?

APPLICANT-En agosto del 73.

BARRISTER-In fact, I think you worked with Browns until July 1982.

APPLICANT-Sí. Armaba las **máquinas de cortar pasto**.

BARRISTER-And what did that involve? What physical activities did that involve?

APPLICANT-Tenía que levantar motores, poner ruedas, sacar los chasis de los canastos y ponerlos en la **línea de montaje**, ponerles las manijas a las máquinas...también usaba las pistolas para poner los **pernos** y las **tuercas**.

BARRISTER-In general terms, was it work that involved lifting, bending, and being on your feet?

APPLICANT-Sí, no me podía sentar nunca, una vez me senté porque ya no daba más y cuando me vio el capataz me retó.

JUDGE-Yes, all right, but please just stick to the question. When you did this work, was the lawn mower on a bench or on the floor, or where?

APPLICANT-Los chasis estaban en un canasto y yo tenía que sacarlos de ahí y ponerlos sobre la línea de montaje.

JUDGE-Yes Mr Williams.

BARRISTER-And up to what weight did you have to lift?

APPLICANT-Si la máquina estaba terminada pesaba más de 20 kilos.

BARRISTER-And did you have to bend repeatedly?

APPLICANT-Sí, claro, cada vez que sacaba un **repuesto** del canasto.

BARRISTER-Now, in 1975, while you were at work, did something happen to you?

APPLICANT-Cuando fui a levantar una máquina de cortar pasto para ponerla en la línea de montaje, sentí el dolor en la espalda. Dejé de trabajar porque el dolor era muy fuerte y fui a la enfermería a ... a comunicarles del accidente.

BARRISTER-Well, did you go off work?

APPLICANT-Sí, me tomé dos meses libres por consejo del Dr Kerry que fue el único médico que vi en ese momento.

BARRISTER-Before this particular event, had you ever had any trouble with your back?

APPLICANT-No, nunca en mi vida. Yo siempre fui una persona sana, jugaba mucho deporte y nunca me dolía nada.

BARRISTER-You were off work for two months, were you paid compensation?

APPLICANT-Sí.

BARRISTER-When you went back to work, how was your back?

APPLICANT-Me dolía mucho.

BARRISTER-Apart from pain in your back, did you have any pain or awkward sensation in any other part of the body?

APPLICANT-Me sentía un poco duro, o sea sentía todo el cuerpo duro.

BARRISTER-Nevertheless you continued doing the same work up until 1979, the same type of work that you described earlier.

APPLICANT-Sí, el mismo trabajo.

BARRISTER-During this period, after the first accident up until 1979, how were your back and your legs?

APPLICANT-Siempre me dolían mucho.

BARRISTER-Did the pain reduce over that period?

APPLICANT-No.

BARRISTER-Now, in 1979, did something further happen to you?

APPLICANT-Sí, cuando estaba poniendo una rueda en la línea de montaje, después de haberla sacado de uno de los canastos, sentí el dolor de nuevo.

BARRISTER-Was this a basket of wheels or just a few wheels?

APPLICANT-Era un canasto de 200 ruedas, yo lo tenía que correr de un lado a otro.

BARRISTER-Well, did you take some time off?

APPLICANT-Sí. El dolor era el mismo que el de la primera vez, en la espalda.

BARRISTER-Can you compare the severity of the pain that you felt on the second occasion to the severity of the pain that you felt on the first occasion?

APPLICANT-Creo que el segundo era más fuerte.

BARRISTER-When you went off work, did you go and see a doctor?

APPLICANT-Sí, un doctor en Balmain.

BARRISTER-Well, did you see initially, a doctor whom your employer had sent you to, Dr...Barry?

APPLICANT-¿Qué es eso?

BARRISTER-Did you see Dr Barry?

APPLICANT-No sé, no me acuerdo de los nombres, la compañía de seguros me mandó a ver a muchos médicos, pero los nombres no me los acuerdo, mi abogado tiene todo escrito en la ficha. Qué sé yo, tengo que haberlo visto si usted lo dice.

BARRISTER-And you saw Dr Smith on a number of occasions?

APPLICANT-Creo que sí, yo qué sé ahora.

BARRISTER-In fact I think he put you in hospital.

APPLICANT-Ah sí, en el hospital de Westmead.

BARRISTER-How long, roughly, were you in Westmead Hospital?

APPLICANT-Más o menos un mes.

BARRISTER-After you got out of hospital, you were off work for a further period.

APPLICANT-Sí porque tuve que volver al hospital para que me hicieran fisioterapia.

BARRISTER-As best you can remember, and taking into account it's been a long time, how long were you off work after the second time?

APPLICANT-De tres a cuatro meses, algo así.

BARRISTER-When you went back to work, were you doing the same work as you were doing previously or were there any differences in the way in which you were doing the work when you went back?

APPLICANT-Sí, bueno, el trabajo era el mismo pero ya ahora tenía que tener más cuidado en el trabajo que estaba haciendo.

JUDGE-What's that mean?

APPLICANT-Cuando me agachaba, por ejemplo, primero tenía que fijarme[8] antes de levantar cualquier cosa.

BARRISTER-When you say you'd look around first, what were you looking for?

APPLICANT-Bueno, me tenía que fijar en la posición que ponía la cintura para que no me doliera.

BARRISTER-When you went back to work you were working in the **process line**.

APPLICANT-Claro.

BARRISTER-Were you actually a regular in the process line or were you filling in when other people went off?

APPLICANT-Yo suplantaba a la gente cuando iban al baño.

BARRISTER-Well, how did this affect the heaviness of the work that you did?

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[8]This utterance was mistranslated by the original interpreter who said 'I had to look around first', hence the resulting barrister's question. The utterance's pragmatic meaning here is 'I had to be careful' or 'I had to watch myself'.

APPLICANT-Era un poco diferente, no hacía el mismo trabajo todo el día.

BARRISTER-After you went back to work, did you continue to have pain in your back and in your legs?

APPLICANT-Sí, un dolor tremendo que no me podía ni mover a veces.

BARRISTER-Now, by 1982, how were you coping with your work?

APPLICANT-Me sentía un poco más aliviado del dolor con las pastillas, pero no por completo, todavía sentía dolor.

BARRISTER-Were you able to do your old work?

APPLICANT-A veces sí, pero siempre con dolor.

BARRISTER-In any event, in 1982 Browns was moving its factory from one place to another. Where was it from and where was it moving to?

APPLICANT-Se mudaban de Milperra a Campsie.

BARRISTER-About that time they offered a **voluntary retrenchment scheme**, and you accepted it, didn't you?

APPLICANT-Sí.

BARRISTER-Now, as at that time, do you feel that you could have continued doing the.... In 1982 when you accepted voluntary retrenchment, do you feel you could have continued doing your work with Browns?

APPLICANT-No.

BARRISTER-Now, did you go and look for work anywhere else? where?

APPLICANT-Fui a dos fábricas.

BARRISTER-When did you start looking for work elsewhere?

APPLICANT-Dos meses después de que me fui de Browns.

BARRISTER-What sort of work were you looking for?

APPLICANT-Trabajo de **operario**.

BARRISTER-What was the nature of the work you were looking for?

APPLICANT-Y, trabajo más liviano.

BARRISTER-Were you successful in finding work?

APPLICANT-No.

JUDGE-Where were these two factories you approached looking for work?

APPLICANT-En Yennora.

JUDGE-Not far from your home, was it?

APPLICANT-No, queda bastante cerca.

JUDGE-It's pretty hard to get from Merrylands to Campsie, isn't it?

APPLICANT-Difícil no, queda medio trasmano.

BARRISTER-Well, in any event, what was your experience of looking for work?

APPLICANT-¿Qué quiere decir?

BARRISTER-Well, when you went to these places to look for work, what happened?

APPLICANT-Cuando yo les decía que quería trabajo liviano y les mostraba el certificado médico, enseguida me decían que no tenían nada para mí. Cuando uno busca trabajo liviano lo tratan como a un leproso, nadie quiere saber nada.

BARRISTER-In what other places did you look for work in 1982?

APPLICANT-En otras fábricas en Yennora, y fui a otro lugar en South Granville, pero no me acuerdo de los nombres. Lo debo de tener anotado en algún lugar.

BARRISTER-How would you get from Merrylands to Yennora?

APPLICANT-En tren, omnibus o con el coche.

BARRISTER-If they had offered you a light job there, would you have taken it?

APPLICANT-Sí, claro.

BARRISTER-At the present time, do you think you could do your old job?

APPLICANT-No.

BARRISTER-Why not?

APPLICANT-Porque me duele mucho la espalda.

BARRISTER-You did go back to Browns to ask for light work, didn't you?

APPLICANT-Sí, volví muchas veces.

BARRISTER-On the first occasion when you went back, who did you see and what did you say to him?

APPLICANT-Uno de la oficina, no me dijo quien era. Cuando le mostré el certificado me dijo que no tenía ningún trabajo para mí.

BARRISTER-Listen to the question carefully, Mr Otero, I asked you what did you say to him?

APPLICANT-Ah, yo le dije que estaba buscando trabajo liviano.

BARRISTER-Did you say that in English? You can speak some English, can't you?

APPLICANT-Un poco.

JUDGE-We'll adjourn for morning tea now, Mr Williams. Mr Otero, you can stand down for now. We'll come back at 11.30.

COURT OFFICER-All stand.

After the adjournment

JUDGE-You understand Mr Otero you are still on your former oath to tell the truth, do you understand that?

APPLICANT-Perfecto.

BARRISTER-Mr Otero, in 1982 you were seeing Dr. Felici in relation to your back, did he say something to you at that time?

APPLICANT-Sí, que todavía andaba mal de la espalda y que si yo quería buscar trabajo él me daba un certificado para trabajo liviano.

BARRISTER-Now, on the various occasions when you went back and asked for suitable work, had you been given it, would you have accepted it?

APPLICANT-Si era un trabajo que yo podía hacer, sí.

BARRISTER-Your Honour, I call upon two summons to produce documents directed to the respondent and also to its insurer.

No further questions Your Honour.

Cross Examination

BARRISTER-You told the court earlier that you accepted voluntary retrenchment, Mr Otero.

APPLICANT-Sí.

BARRISTER-In the first place, of course, you were paid over $2,000 **long service leave** about a year earlier than you would have been entitled to go on long service leave. Is that correct?

APPLICANT-Sí.

BARRISTER-You were paid the accrued **sick leave** for the unused sick leave entitlement. Is that correct?

BARRISTER (for the applicant)-I object to that, Your Honour. He has conceded he's gone on voluntary retrenchment. How is that relevant to the issue?

JUDGE-I'll allow it.

BARRISTER-You were paid an allowance or a sum of money based on your length of service, were you not?

APPLICANT-Sí.

BARRISTER-In your case that special payment for voluntary retrenchment was almost $3,500. Is that correct?

APPLICANT-Sí.

BARRISTER-Those benefits that I have recited were the conditions of taking the voluntary retrenchment, were they not?

APPLICANT-Sí.

BARRISTER-I will now show you a document. Would you look at this document and tell me whether it is a copy of a document which, at the foot, contains your application to be voluntarily retrenched?

APPLICANT-Sí.

BARRISTER (for the applicant)-I object your Honour, that's a document that has to be served on the applicant's solicitors in accordance with the provisions of...

JUDGE-Does it have to be served?

BARRISTER (for the applicant)-Yes Your Honour, it's a statement in writing by the worker or by an applicant, if it's to be cross examined upon, it must be served.

BARRISTER-I undertake Your Honour that it's not a statement in relation to injury and therefore it's not within the provisions. I press the question, I think my learned friend, if I understand him correctly, withdraws his objection.

BARRISTER (for the applicant)-No, I don't.

JUDGE-Do you want to see the section, Mr Williams?

BARRISTER (for the applicant)-Yes Your Honour.

JUDGE-What do you say about the section Mr Williams?

BARRISTER (for the applicant)-My friend is right, section 53(3)B "...where a worker receiving an injury, makes any statement in relation to that injury to his employer" and if my friend is saying, as I concede that he is , that this is not a statement in relation to the injury, I withdraw the objection.

JUDGE-Very well, Mr Ronson you may proceed with cross examination.

BARRISTER-Do you agree that it was the sum of $3,459 which was the actual service payment part of the voluntary retrenchment?

APPLICANT-Creo que sí.

BARRISTER-Have you ever offered to give that back to Browns?

APPLICANT-No.

BARRISTER-I think you told the court, please correct me if I'm wrong that, in 1979 you were lifting a basket containing 200 wheels, is that so?

JUDGE-I don't think so.

APPLICANT-Lo que dije fue que estaba sacando las ruedas de un canasto y poniéndolas en otro, y que ese canasto tenía 200 ruedas.

BARRISTER-Thank you. You have, on two occasions, seen Dr Rooney at the request of the Insurance Company Is that so?

APPLICANT-Sí.

BARRISTER-Firstly, you saw him on 20 February 1987 and on 13 April 1988, did you not?

APPLICANT-Sí.

BARRISTER-And you told him the truth?

APPLICANT-Sí.

BARRISTER-I put it to you that you told him that after having had your time off after the 1979 incident, having been in hospital and had treatment, your back, at that stage, improved about 95%, almost normal.

APPLICANT-Sí, así es. La primera vez que fui llevé las radiografías y después se fijó como estaba la espalda.

BARRISTER-We'll get to that. Just listen to what I'm asking you, please, and tell me whether what I tell you is right or wrong. Do you understand? I'm asking you about the period at the end of 1979 and early 1980 when you had some time off and were treated in hospital. I suggest to you that you told Dr Larry that, by the time you resumed work in early March 1980, you had felt very much better, about 95% back to normal. Do you agree with that?

APPLICANT-No.

BARRISTER-I suggest that you told him that, in that period, from March 1980 till 1982 you did your normal work.

APPLICANT-Sí.

BARRISTER-Did you tell him that, in that period, doing your normal job, you had occasional pain in your back?

APPLICANT-Sí.

BARRISTER-Did you tell him when you were speaking to him in February 1987, that, as at that time, all you had was occasional pain in your back?

APPLICANT-No.

BARRISTER-The fact is, if you had not been offered the benefits of the early retrenchment and if the Milperra factory had continued, you would have continued to do your job. Is that true?

APPLICANT-Quizás.

BARRISTER-You had occasion from time to time to go and see the first aid sister, did you not?

APPLICANT-Sí, cuando sentía dolor sí.

BARRISTER-When you went to first aid, the sister would make a note on your card and you would see her do so. Is that correct?

APPLICANT-Sí.

BARRISTER-That's something you were always able to see her do, is it not?

APPLICANT-Sí, veía que lo hacía, pero no sé qué era lo que escribía.

BARRISTER-No, but whenever you went there you would see her make a notation on the card, wouldn't you?

APPLICANT-Sí.

BARRISTER-The fact is that you did not consult the sister in relation to your back after resuming normal work in the early part of 1980 up until the time you took voluntary retrenchment. True?

APPLICANT-Sí que lo hice, por eso me pusieron en un trabajo liviano.

BARRISTER-What I'm putting to you Mr Otero, is that you did not consult the sister about your back after the time you resumed normal duties in early 1980 until your retrenchment. What do you say about that?

APPLICANT-Sí que lo hice, yo le llevé un certificado que decía que necesitaba hacer trabajo liviano.

BARRISTER-I put it to you that between August 1983 and the time of your retrenchment, you did not go to first aid at all. What do you say about that?

APPLICANT-No me acuerdo.

BARRISTER-I put it to you that, between early 1980 and August 1983 you visited first aid several times but in relation to minor problems with fingers and thumbs. What do you say about that?

APPLICANT-Sí me corté el dedo gordo.

BARRISTER-I want to go back to 1975. I think you told the court, did you not, correct me if I'm wrong, that you had some weeks or a couple of months off work after you had your 1975 problem.

APPLICANT-Sí.

BARRISTER-Would it be right that you strained your back on that ocassion in 1975?

APPLICANT-No me acuerdo.

BARRISTER-Had you ever had any problems with your back at all before your 1979 problem which led you to have a couple of months off?

APPLICANT-Sí, en 1975 cuando estuve **indemnizado** porque la compañía se mudó.

BARRISTER-Yes you had two months off on compensation, didn't you?

APPLICANT-Así es.

BARRISTER-Before then, before that time, had you ever had any problems with your back at all?

APPLICANT-No que yo me acuerde.

BARRISTER-Because, I suggest to you, that you have or had in your possession x-rays of your lower back taken some five months before this incident in 1979 that you're claiming and which caused you to have two months off, five months before you had x-rays taken of your lower back. Do you agree with that?

APPLICANT-No entiendo.

BARRISTER-What you told us is that in 1975 something happened to your back and straight away you were off on compensation for two months, and that before that time you'd never had any problems with your back at all, haven't you?

APPLICANT-No me acuerdo.

BARRISTER-Well, a moment ago you said you hadn't, didn't you?

APPLICANT-De eso sí me acuerdo.

BARRISTER-By the way, the problem in 1979 was not in the middle of your back but it was on the left and down towards the top of your **buttocks**, was it not?

APPLICANT-Y bajaba hasta la pierna.

BARRISTER-What I'm putting to you is that your pain was not in the middle of your back but it was a left **sacroiliac strain**. In other words it was on the left side of your back down towards the top of your left buttock.

APPLICANT-Sí, el dolor empieza en la espalda y después se va para la pierna.

BARRISTER-But the pain was never in the middle of your back in 1979, was it?

APPLICANT-Estaba en toda la espalda.

BARRISTER-If I can go back to the 1979 incident, you didn't make any report of something having happened to you at work until six days afterwards. Is that true?

APPLICANT-Fui al médico y él me dijo que la compañía me había indemnizado.

BARRISTER-Mr. Otero, I'm putting to you that you didn't report to your superiors at work that you'd hurt yourself at work until six days after you say something happened. Do you agree?

APPLICANT-No me acuerdo.

BARRISTER-It was quite a crowded workplace with lots of people in your vicinity, was it not?

APPLICANT-Sí.

BARRISTER-Have you done any work since you left Browns?

APPLICANT-No.

BARRISTER-Did you, in fact, go and see Dr Ananday, an ear specialist in 1986?

APPLICANT-Sí.

BARRISTER-Did you tell him that for the previous two years you'd had hearing trouble which you thought was the result of noise at work?

APPLICANT-Sí, porque una vez fui a buscar trabajo y me encontraron ese problema en el oído.

BARRISTER-Did you tell the doctor that for two years before the end of August 1986, you'd had hearing problems which you thought related to noise at work?

APPLICANT-Al doctor sí.

JUDGE-Mr Ronson, would this be a suitable time?

BARRISTER-Yes Your Honour.

JUDGE-We'll adjourn the matter. You may step down, please.
Part-heard, stood over to a date to be fixed.

(The remainder of the hearing was heard at a later date, after which the judge pronounced his judgement. The following is an extract of the judgement which should be used as a text for whispering/simultaneous interpreting)

COMPENSATION COURT OF NSW
MANUEL OTERO VS BROWNS LTD
JUDGEMENT

The applicant, who is now aged 50 years, is a married man. His wife and child have been dependent upon him for support at all material times. He arrived in Australia on 26 July 1973 and commenced work with the respondent in August 1973. He described his work which involved bending and lifting. He said his work required him to stand.

The applicant said in 1975, whilst lifting a lawn mower with a friend, to place on the line, he felt a pain in his back. He continued to work for some time. He subsequently went off work and consulted a doctor. He remained off work for about two months for which time he was paid compensation. He said that prior to this incident he did not have trouble with his back.

He said when he returned to work his back was painful and he had pain in his legs, but he continued to work. He said in 1979 whilst lifting a basket of wheels he felt pain in his back in the same place, but the pain was stronger than it was on the first occasion. The respondent company sent him to a doctor and he was referred to another doctor.

The applicant said he returned to his old job but he was relieving on the line and the work was not as heavy as before. He continued to suffer pain in his back and legs and was receiving medication from his doctor.

On the medical evidence I am satisfied that the applicant suffers from a degenerative condition of his back and that he suffered from that condition prior to the first accident and that he recovered from the effects of that injury. I am satisfied he recovered from the injury in 1975 - on his own admission he was 95% fit in 1982 and worked until he took voluntary retirement without visiting the factory sister with complaints about his back.

On the whole of the evidence I am satisfied the applicant is fit for work now and was so fit when he accepted voluntary retirement.

There will be an award.

Note: All names and dates have been changed.

Dialogue 10

Mr Jose Torres, a migrant form Spain, has sustained a work related injury and is being examined at the Workers Compensation Court. The applicant is sworn in through the interpreter.

COURT OFFICER-The evidence you are about to give before this court, shall be the truth, the whole truth and nothing but the truth. Please say in the Spanish language, "So help me God"

APPLICANT-Que Dios sea Testigo.

BARRISTER-Is your full name Jose Torres and do you live at 65 Freddy St Granville?

APPLICANT-Sí.

BARRISTER-Were you born on 23 September 1936 in Asturias Spain, left school at the age of 17 and worked as a carpenter in your country?

APPLICANT-Sí.

BARRISTER-Did you in 1943, go to Portugal and then in 1965 come to Australia?

APPLICANT-Sí.

BARRISTER-From 1965 until 6 August 1985, did you work in Australia, principally as a **formwork carpenter** in the building industry?

APPLICANT-Sí.

BARRISTER-Were they mainly large buildings that you were working on or houses or what?

APPLICANT-Siempre edificios grandes.

BARRISTER-Did your work require you to lift? Was there any lifting involved in your work as a formwork carpenter? Did you have to lift things, pick things up and carry them?

APPLICANT-La verdad que no.

BARRISTER-Did your work require you to bend?

APPLICANT-Ah, eso sí.

BARRISTER-Did your work as a formwork carpenter, involve being on your feet most of the time?

APPLICANT-Lógico.

BARRISTER-Did your work as a formwork carpenter, on occasion, require you to work in a crouched position?

APPLICANT-Sí.

BARRISTER-In 1985, were you working for Brighton Constructions?

APPLICANT-Sí.

BARRISTER-Incidentally, did your work as a formwork carpenter, require you to carry timber?

APPLICANT-A veces sí.

BARRISTER-Did you sometimes have to carry that up and down floors of buildings?

APPLICANT-Sí, muchas veces.

BARRISTER-In any event, when, as far as you can remember, did you start working for Brighton Constructions?

APPLICANT-No recuerdo la fecha exacta pero trabajé ahí unos tres años.

BARRISTER-In 1985, were you working at Parramatta, at the site of a motel called the Royal Motel in Phillip St?

APPLICANT-Sí.

BARRISTER-What sort of work were you doing for Brighton Constructions there?

APPLICANT-Hacía muchos tipos de trabajo, pero ¿quiere que le diga qué estaba haciendo ese día en particular?

BARRISTER-Generally, what sort of work did you do? What physical activities were involved? What did you have to do?

APPLICANT-Hacía los **marcos** de las puertas, ese era mi trabajo específico, pero tenía que hacer de todo un poco, llevar los marcos, clavarlos al hormigón con la **pistola de clavos**, poner los **listones**....

BARRISTER-How big were the frames?

APPLICANT-Algunos muy grandes, de 3 metros de alto por 2 de ancho, los de acero.

BARRISTER-Did you carry them by yourself or with the help of other people?

APPLICANT-Para los más grandes siempre me tenía que ayudar alguien.

BARRISTER-Apart from carrying the frames, what else did you have to lift?

APPLICANT-Tenía que hacer muchos trabajos diferentes. A veces tenía que hacer cien trabajos diferentes en un sólo día.

BARRISTER-Tell us more specifically what sort of things you had to do.

APPLICANT-Tenía que asegurar los andamios.

BARRISTER-How did you do that? What did you have to do to make the scaffolding safe?

APPLICANT-Tenía que armar los andamios, insertar los listones en los andamios, poner los tablones encima y dejar todo preparado para la gente que tenía que echar el hormigón.

BARRISTER-What was involved then, as far as preparing for the people who were going to pour the concrete, what did you do?

APPLICANT-En realidad eso no lo hacíamos muy a menudo. A veces lo hacíamos. Teníamos que preparar los andamios, poner los tablones encima y tener todo listo para que los **obreros** pudieran trabajar sin ningún peligro, sobre los andamios, echando el hormigón.

BARRISTER-Did you do any other thing while you were working at Brightons at Parramatta?

APPLICANT-Sí, hacía muchas cosas. Tenía que llenar los agujeros con hormigón, eso era difícil. Esos agujeros los forman los tubos.

BARRISTER-What else did you have to do for Brightons?

APPLICANT-Muchas cosas, a veces tenía que trabajar con los **albañiles**.

BARRISTER-On August 6th 1985, did anything happen to you while you were at work?

APPLICANT-Sí, me caí de una escalera. Estaba trabajando con los **fontaneros**, donde ellos trabajan con los tubos. La escalera se quebró y yo me caí.

BARRISTER-What part of the ladder was it that broke?

APPLICANT-El primer peldaño.

BARRISTER-When you say the first rung, do you mean the one closest to the ground?

APPLICANT-Sí, el primero, el que está más cerca del suelo.

BARRISTER-Whereabouts on the ladder were you when this rung broke?

APPLICANT-Yo estaba en el anteúltimo peldaño.

BARRISTER-What sort of a ladder was this?

APPLICANT-Una escalera nueva de madera, la habían comprado hace muy poco.

BARRISTER-When the step broke, what happened to the ladder?

APPLICANT-Qué se yo, después no la ví más.

BARRISTER-What happened to you?

APPLICANT-Me llevaron al hospital.

BARRISTER-The rung broke, and you were standing on the ladder, at the top of the ladder, what happened then?

APPLICANT-Me caí para atrás, me pegué todo el cuerpo contra el muro y me quebré un brazo.

BARRISTER-Do you recall what time of the day that was?

APPLICANT-A eso de las 9:30 de la mañana, justo después del recreo.

BARRISTER-Then, how did you get to hospital?

APPLICANT-Vino la ambulancia.

BARRISTER-During that time, before the ambulance came, what did you notice about yourself?

APPLICANT-No me acuerdo qué tenía, todo lo que me acuerdo es que un hombre de la ambulancia me puso una máscara en la cara y me preguntó dónde me dolía.

BARRISTER-Where was it hurting?

APPLICANT-Me dolía el brazo, este brazo, el izquierdo. También me dolía la pierna, ah, y la espalda también.

BARRISTER-Anywhere else?

APPLICANT-Creo que el cuello también, pero no me acuerdo muy bien si el cuello me dolía en ese entonces o si el dolor me vino después, lo que sí me acuerdo es que me dolía mucho el brazo izquierdo.

BARRISTER-How long were you in hospital for?

APPLICANT-Unas tres semanas o un mes.

BARRISTER-A few weeks after you got to hospital, how did you feel?

APPLICANT-Todo dolorido, me dolía todo, especialmente los hombros, el cuello y la espalda, el cuello no lo podía ni mover.

BARRISTER-What about your arm?

APPLICANT-No, la verdad que en ese momento el brazo era lo que menos me dolía.

BARRISTER-Since you were **discharged** from hospital, have you been looked after by your own family doctor?

APPLICANT-Sí.

BARRISTER-And you made a claim for workers compensation and in fact you were paid workers compensation for a long time, but it's the case that you haven't received any payment since 15 February 1989, is that correct?

APPLICANT-No, desde el 28 de febrero.

BARRISTER-By, say November 1988, how was your back?

APPLICANT-Cada vez peor.

BARRISTER-What about your left arm, you understand that you suffered a fracture to your left elbow, don't you? Do you have any problem at all in your left **elbow** and in your arm in general?

APPLICANT-Sí, tengo problemas, no puedo levantar el brazo mucho ni puedo levantar nada pesado porque me duele mucho el codo.

BARRISTER-Now, what about the neck?

APPLICANT-El cuello me duele mucho, especialmente cuando estoy en la cama.

BARRISTER-What about your shoulders, have you got any trouble in your shoulders?

APPLICANT-Sí, pero ahora estoy mucho mejor de los hombros, aunque todavía me duelen, y me duele el izquierdo siempre más que el derecho.

BARRISTER-You also mentioned previously that at the time of the accident you had some problems in your legs. Do you still have those problems? If yes, what are they?

APPLICANT-Sí, todavía tengo problemas cuando camino, me duele mucho la **cadera** y toda la pierna, especialmente la parte de atrás de la pierna. Ahora no puedo correr tampoco, un día quise tratar de jugar a la pelota y casi me muero del dolor. El otro problema que tengo es que se me duermen, la derecha más que nada, me pueden pinchar y no siento nada.

BARRISTER-If I could take you back to the day of the accident, at the time of the accident, you were standing towards the top of the ladder, and when you fell, do you recall how your body came to land?

APPLICANT-No, imposible.

BARRISTER-Apart from the problems that you've mentioned, have you had any other problems since the accident?

APPLICANT-Sí, tengo otro problema, con esta parte, ¿cómo se llama el **hueso del rabo**?

BARRISTER-And what problems do you have with that?

APPLICANT-Cuando me siento, se me hace difícil sentarme, tengo que sentarme para adelante, no me puedo apoyar para atrás. Me han dado inyecciones pero no me hacen nada.

BARRISTER-Well, apart from that, have you had any other problems?

APPLICANT-No que yo sepa.

BARRISTER-Since this accident, how have you felt about yourself?

APPLICANT-Como un muerto.

BARRISTER-What do you mean by that?

APPLICANT-No me podía mover, me dolía todo el cuerpo, y todavía siento dolor muchas veces.

BARRISTER-Now, the problems that you've described as at say, late last year, have they continued up until the present time?

APPLICANT-Sí.

BARRISTER-At the present time, do you feel that you could do the work that you used to do for Brighton Constructions?

APPLICANT-No, claro que no. Cuando hago cualquier trabajo manual me empiezan a doler las piernas, el cuello y la espalda.

BARRISTER-Some time before this accident in 1985, did anything happen to you at work?

APPLICANT-Sí. Estaba con el capataz en un andamio y el andamio se derrumbó.

BARRISTER-Was the base of the scaffolding resting at ground level?

APPLICANT-Sí, sobre un piso de hormigón.

BARRISTER-How high off the ground were your feet?

APPLICANT-A unos seis pies.

BARRISTER-What happened to you when the scaffolding collapsed?

APPLICANT-Salté y caí de pie en el piso.

BARRISTER-Did you notice anything about yourself at that time?

APPLICANT-Noté que me dolían mucho las piernas, y también la cadera.

BARRISTER-Do you remember what year that occurred in?

APPLICANT-No me acuerdo la fecha exacta, no la anoté en ningún lado pero creo que fue unos dos o tres meses antes del accidente grande.

BARRISTER-Well, now when this earlier accident occurred, can you tell us, was it the morning or the afternoon, or do you remember the time of the day?

APPLICANT-Fue después del almuerzo.

BARRISTER-After that accident occurred, after the scaffolding collapsed, did you continue at work?

APPLICANT-Sí, seguí trabajando hasta las seis o siete de la noche.

BARRISTER-Well, as a result of that accident when the scaffolding collapsed, did you seek any medical treatment?

APPLICANT-No que yo me acuerde.

BARRISTER-Did you take any time off as far as you can recall?

APPLICANT-Creo que me tomé dos días de "sicky".

BARRISTER-Well, did you get a medical certificate to enable payment of the sick pay?

APPLICANT-Sí, el Dr White me dio **parte de enfermo**.

BARRISTER-Were the two days that you had off work immediately after this accident when the scaffolding collapsed?

APPLICANT-No me acuerdo, ni siquiera me acuerdo si falté dos o cuatro días, en realidad no me acuerdo.

BARRISTER-Well, in any event, by the time that you resumed work, how were you feeling?

APPLICANT-Sentía dolor pero seguí trabajando.

BARRISTER-When you went back to work, were you able to do your old job?

APPLICANT-Sí lo podía hacer pero siempre con el dolor, de todas maneras yo siempre quise seguir trabajando, nunca fue mi intención dejar de trabajar.

BARRISTER-After you returned to work, you worked for two or three months until this second accident occurred?

APPLICANT-Así es.

BARRISTER-At the present time do you feel that you could do any work at all?

APPLICANT-Sí, puedo hacer algunas cosas, hago muchas cosas en la casa y en el jardín. También tengo una huertita.

BARRISTER-You've told us that you don't think you could do your old job at Brightons Constructions?

APPLICANT-No, no el trabajo normal que hacía antes pero creo que podría hacer algún trabajo menos pesado.

BARRISTER-Have you ever been back to Brighton Constructions to ask for light duties?

APPLICANT-Sí, volví una vez y hablé con la recepcionista a quien le mostré el certificado médico donde especifica que sólo puedo hacer trabajos livianos.

BARRISTER-Did you see anything happen at that stage?

APPLICANT-La recepcionista se llevó el certificado a una oficina del piso de arriba y me dijo que esperara. Después de más o menos diez minutos bajó otra señora con el mismo papel. El papel estaba firmado por alguien y me dijo que no había trabajo para mí.

BARRISTER-If you had been offered by Brighton Constructions a suitable job, would you have accepted it?

APPLICANT-Claro, habría tratado de hacerlo.

BARRISTER-Recently, have you been suffering from a **heart condition**?

APPLICANT-Sí.

BARRISTER-What have you noticed about yourself?

APPLICANT-He estado teniendo mucho dolor, especialmente dolor en el pecho, y me han tenido que internar dos veces.

BARRISTER-Are you taking any tablets in respect of this problem?

APPLICANT-Tomo una pastilla que me tengo que poner debajo de la lengua cuando el dolor es muy fuerte, y otras tres pastillas diferentes por día.

BARRISTER-While you were working at Brightons Constructions, were you doing any **overtime**?

APPLICANT-Sí, a veces trabajaba 10, 12, hasta 15 horas en un mismo día.

BARRISTER-Well, say in any given month, or if you like, any given week, how much overtime would you do?

APPLICANT-Bueno, no le podría decir porque nunca trabajaba las mismas horas. Siempre trabajaba los sábados, pero no siempre la misma cantidad de horas, a veces hacía 8, a veces 10 ó 15. A veces trabajaba los domingos.

BARRISTER-What is it about your old job that you feel you couldn't do now?

APPLICANT-De mi trabajo antiguo no hay mucho que pudiera hacer ahora porque casi no me puedo mover, no me puedo doblar, no puedo hacer fuerza, no puedo levantar cosas pesadas, en fin, mi cuerpo no es el de antes, ya no puedo hacer las mismas cosas.

BARRISTER-Mr Torres, when you were standing on the ladder, what part of the...well, where is it precisely that the ladder was placed?

APPLICANT-Sobre el piso de hormigón.

BARRISTER-And was it in a room or was it in an open area or what?

APPLICANT-En un cuarto de más o menos tres por cuatro metros.

BARRISTER-Was it what I understand you'd call an A-frame ladder?

APPLICANT-Sí, así se llama, es una de esas escaleras que se cierran.

BARRISTER-Now, precisely what part of the ladder was it that broke?

APPLICANT-Una de las patas.

BARRISTER-When the ladder broke, do you remember in which direction your body went? If you don't remember say so.

APPLICANT-Sí me acuerdo. Me caí para atrás, en el piso. No me acuerdo muy bien si primero pegué el piso con la espalda o con el trasero.

BARRISTER-Your Honour, that's the Evidence in Chief.

The following should be interpreted in the whispering/simultaneous mode

HER HONOUR-Mr Smith, do you want to start the cross examination?

BARRISTER-Well Your Honour, I won't be able to complete the cross examination today, particularly in regard to the matters concerning the 11(2) application, and also regarding the earlier matter concerning the scaffolding, even though it's not relied on as a cause of the **plaint** that the applicant's capacity is something which bears some investigation in my submission. Additionally Your Honour, the matter concerning the heart condition is something of which we've had no notice at all and may bear upon questions of incapacity. That's something which bears investigation. I wonder whether in those circumstances, Your Honour might allow me to defer the commencement of cross examination until the adjourned date, particularly bearing in mind the time.

HER HONOUR- Do you have anything to say Mr Thomas?

BARRISTER (for the applicant)-Well Your Honour, I certainly don't oppose that application.
Indeed Your Honour, I find that repeatedly a cause of difficulty if an applicant is part way through cross examination and one is unable to obtain instruction from the client.

WITNESS STOOD DOWN

ADJOURNED TO A FUTURE DATE TO BE ADVISED.

NOTES:

Dialogue 11

Mr Gomez, a migrant from Uruguay, suffered an injury at work while working in his trade of ***fitter and turner****. He is being examined at the Workers Compensation Court.*

COURT OFFICER-Please take the Bible in the right hand and face Her Honour.
The evidence you shall give before this court shall be the truth, the whole truth and nothing but the truth. Please say in the Spanish language: "So help me God"

APPLICANT-Que Dios sea testigo.

Examination in Chief

BARRISTER-Mr Gomez, let me take you back to the morning of 8/11/1985. You have stated that at about 8.45 am you had an accident at your workplace. Could you please tell the court what you were doing at that particular time?

APPLICANT-Estaba trabajando en el **torno**, **rebajando** una **barra** de **acero**.

BARRISTER-Could you tell the court what is involved in that work? I mean, how you operate the machine, and so forth.

APPLICANT-La barra se toma de un extremo, en el **plato**, y el otro extremo se sostiene con la **contrapunta**. Con la máquina en marcha se arrima la **herramienta cortante** y se embraga el **mecanismo de avance automático**.

BARRISTER-Are you an experienced turner?

APPLICANT-Hace veinte años que soy tornero.

BARRISTER-And what went wrong that morning? What caused the accident?

APPLICANT-La punta de la herramienta se quebró y empezaron a saltar las **virutas**, enredándose en forma de pelota. Cuando la pelota alcanzó un tamaño de unos veinte centímetros de diámetro, se desprendió violentamente y me golpeó en la cara.

BARRISTER-Could you describe the safety equipment, if any, you were wearing at the time of the accident?

APPLICANT-Tenía puestos los anteojos de protección.

BARRISTER-Mr Gomez, could you explain how your eyes got injured if you were wearing safety goggles?

APPLICANT-Las virutas enredadas me golpearon muy violentamente y me hicieron saltar los anteojos. Las virutas son muy filosas y salen muy calientes, así que no sólo cortan sino también queman y se pegan a la piel.

BARRISTER-As far as you know, was the machine in good working order?

APPLICANT-Sí, la máquina estaba en perfectas condiciones.

BARRISTER-What did you do immediately after the accident?

APPLICANT-Bueno, grité del dolor y unos compañeros se acercaron y me preguntaron qué me pasaba. Con mi poco inglés les hice entender que me dolía mucho y que alguien me aconpañara a la **sala de primeros auxilios**, ya que yo no podía ver nada. Un muchacho me acompañó y la enfermera llamó una ambulancia para que me llevaran al hospital.

BARRISTER-What hospital were you taken to?

APPLICANT-Concord Hospital, ahí me tuvieron internado por dos semanas, me dijeron que había recibido cortes muy profundos y quemaduras en el ojo derecho y la nariz.

BARRISTER-How many days were you off work?

APPLICANT-Dos semanas y media, las dos primeras estuve internado y los otros tres días los pasé en casa descansando.

BARRISTER-How did you find your work when you returned to your normal duties, were you able to do it?

APPLICANT-Yo pensé que no tendría problemas pero lamentablemente no fue así. Usaba un parche en el ojo afectado y no podía ver bien el torno, me molestaba el parche. Me pareció peligroso seguir trabajando de esa manera entonces le pedí al capataz que me dejara tomar unas semanas más para ver si me recuperaba.

BARRISTER-And what happened after that?

APPLICANT-Estuve una semana sin trabajar, siempre yendo al médico, y el lunes de la segunda semana libre me llegó una carta del trabajo en la cual decía que lo lamentaban mucho pero que no me necesitarían más y que me despedían. ¡Yo no lo podía creer, después de haber trabajado en la misma fábrica por tantos años!

BARRISTER-How would you describe your condition now?

APPLICANT-Estoy muy mal, con ese ojo todavía no puedo ver nada, me quedé completamente **ciego** y ya han pasado varios años. Yo ya perdí la esperanza de poder recuperar la vista.

BARRISTER-Do you feel you could do your old work, Mr Gomez?

APPLICANT-Bueno, yo creía que sí, pero después de haber tratado en mi trabajo antiguo me di cuenta de que no podía, así que pienso que hasta que no recupere la vista no voy a poder hacer mi trabajo antiguo.

BARRISTER-Have you been looking for other work?

APPLICANT-Sí, he estado buscando trabajo pero es inútil.

BARRISTER-That's the evidence Your Honour.

NOTES:

GLOSSARIES

MEDICAL GLOSSARY

ENGLISH	SPANISH
Abdomen	Abdomen
Allergic	Alérgico/a
Anaesthetic	Anestesia
Anal intercourse	Coito anal
Arteries	Arterias
Back	Espalda
Bladder	Vejiga
Blood test	Análisis de sangre
Blood vessels	Vasos sanguíneos
Brain damage	Lesión cerebral
Bruises	Moretón / Contunsión / Machucón
Burning	Ardor
Buttocks	Nalgas
By-pass operation	Operación By-pass
Chest	Pecho
Consultation	Consulta
Contraceptive	Anticonceptivo
Cough syrup	Jarabe para la tos
Degenerative changes	Cambios degenerativos (2)
Diabetes	Diabetes
Discharge from hospital	Dar el alta del hospital
Eardrum	Tímpano
ECG (Electrocardiogram)	Electrocardiograma
Ejaculation	Eyaculación
Elbow	Codo
Encephalitis	Encefalitis
Erection	Erección
Gallbladder	Vesícula biliar
Glucose	Glucosa
Hearing aid	Audífono
Heart attack	Ataque al corazón / Ataque cardíaco
Heart condition	Afección cardíaca
Hernia	Hernia
Hormones	Hormonas
Immunised	Vacunado
Injure	Lesionar
Inner ear	Oído medio
Insulin	Insulina
Joints	Articulaciones
Lining of the stomach	Pared gástrica / del estómago
Liver	Hígado
Lump	Bulto
Measles	Sarampión
Medical report	Informe médico

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Nodules	Nódulos
Non-insulin-dependent diabetes	Diabetes no dependiente de la insulina (2)
Numb	Dormido / Adormecido
Numbness	Entumecimiento (músculos)
Oncologist	Oncólogo
Paediatrician	Pediatra
Pass water	Orinar
Penis	Pene
Pregnancy	Embarazo
Prostate	Próstata
Rash	Salpillido / Sarpullido / Erupción
Referring letter "The doctor referred me..."	Pase del médico. "El médico me derivó / mandó...)
Sacroilliac Strain	Sacroilitis
Sample	Muestra
Sexual intercourse	Coito / Relaciones sexuales
Side effects	Efectos secundarios
Smallpox	Viruela
Sperms	Espermas
Stiffness	Entumecimiento (músculos)
Stones	Cálculos
Strain "You strained your back"	Esfuerzo (muscular) "Se lastimó la espalda"
Surgery	Cirugía / operación
Symptoms	Síntomas
Tenderness	Dolor
Testes	Testículos
Testicles	Testículos
Unconscious	Inconsciente
Undergo an operation	Someterse a una intervención quirúrgica / operación
Urethra	Uretra
Urinary duct	Conducto urinario
Urinary tract	Tracto urinario
Urine sample	Muestra de orina
Urologist	Urólogo
Vasectomy	Vasectomía
Viral infection	Infección viral
Ward (hospital)	Sala
X-ray	Radiografía / Rayos X

SPANISH	ENGLISH
Acupuntura	Acupuncture
Agacharse	To bend down
Agudo (dolor)	Acute / Strong
Amígdalas	Tonsils
Anticonceptivo	Contraceptive
Anular (dedo)	Ring finger
Arterioesclerosis	Arteriosclerosis
Bulto	Lump
Cadera	Hip
Calambres	Cramps
Calmantes	Pain killers
Ciego	Blind
Colitis	Colitis
Columna	Spine
Comprimidos	Tablets
Conocimiento (el)	Consciousness
Costillas	Ribs
Doblarse las rodillas - "Se me doblan las rodillas"	My legs give
Dormirse	To go numb
Encogerse	Seize up / Harden
Enfermedad venérea	Veneral disease
Enyesar	To put in plaster
Esfuerzo (un)	Strain
Espalda	Back
Fiebre	Fever
Fisioterapeuta	Physiotherapist
Fracturar	Fracture
Gastritis	Gastritis
Gripe	Flu
Hombro	Shoulder
Hueso del rabo	Tail bone
Intervención quirúrgica	Surgery
Mayor (dedo)	Middle finger
Meñique (dedo)	Little finger
Miembro	Member / organ
Ombligo	Navel
Opresión	Tightness
Orinar	Urinate / Pass water
Páncreas	Pancreas
Parte de enfermo	Medical certificate
Pastillas	Tablets / Pills
Placas (colloquial)	X-rays
Planta del pie	Sole
Puntada (en el costado)	Stitch (in my side)
Puntada (en la espalda)	Stab of pain / Sharp pain
Receta	Prescription
Relaciones	Sex

Resfrío	Cold
Sala de primeros auxilios	First Aid room
Sarampión	Measles
Supositorios	Suppositories
Tirón (en la pierna)	I pulled a muscle in my leg
Tirón (sentí un .... en la espalda)	I felt something pull in my back
Tobillo	Ankle
Tortícolis	Stiff neck
Toser	To cough
Ulcera	Ulcer
Vejiga	Bladder
Venas	Veins
Vesícula (biliar)	Gallbladder
Volver en sí	To come to

LEGAL GLOSSARY

ENGLISH	SPANISH
Adjournment	Aplazo
Advice	Asesoramiento
Affidavit	Declaración jurada / Afidávit
Affirmation	Declaración
Alleged	Presunto
Appeal	Apelar
Applicant	Demandante
Arbitration	Arbitraje
Arbitrator	Juez árbitro
Assault	Agresión física
Attorney General	Procurador general
Award	Indemnizar / Indemnización
Bail (on)	Bajo fianza
Barrister	Abogado especialista / especializado (2)
Beyond reasonable doubt	Sin que quede lugar a duda (2)
Bond of Good Behaviour	Fianza de buena conducta (2)
Breach (a)	Violación / [illegible]mplimiento
Breach (to)	Violar / Incumplir
Breath analysis	Análisis de alcoholemia
Breath test	Prueba de alcoholemia
Builders' Licensing Board	Junta reguladora de constructores (2)
Case	Caso / Causa
Charge (To)	Acusar
Charges	Cargos
Claim	Demanda / Reclamación
Claim for damages	Demanda por daños y perjuicios
Claimant	Reclamante / Demandante
Community Justice Centre	Centro comunitario de justicia (2)
Compensation claim	Demanda de indemnización
Complainant	Denunciante / Actor/a
Complaint	Queja
Compromise (a)	Mutuo acuerdo
Compromise (to)	Transigir / Ceder
Constable	Oficial (de policía)
Consumer Claims Tribunal	Tribunal de Reclamaciones del Consumidor
Contract	Contrato
Convict (to)	Condenar
Counsel	Abogado
Counter offer	Contra oferta
Cross examination	Contra interrogatorio
Custody (of children)	Tenencia de hijos
Damages	Daños y perjuicios
Defendant	Acusado (criminal cases) Demandado (civil cases)
Dispute	Disputa / desacuerdo

Divorce	Divorcio
Domestic violence	Violencia doméstica
Enter into (a contract)	Celebrar
Evidence	Prueba
Evidence (oral)	Testimonio / Declaración
Ex-parte	Ex-parte / sin una de las partes
Examination-in-chief	Interrogatorio
Exhibit	Artículo de prueba (2)
Family Court	Tribunal de Familia
File	Expediente / Ficha
Fines	Multas
Forfeit	Perder
Freedom of Information Act	Ley de libertad de información
Give evidence	Prestar declaración / Testimonio
Guilty	Culpable
Hearing	Audiencia / Vista
I put it to you	Le digo /le plantéo /le sugiero
I withdraw that	Lo retiro / me retracto (2)
Inducement	Persuación / Provocación
Insurance Company	Compañía de seguros / aseguradora
Jurisdiction	Jurisdicción
Legal costs	Honorarios legales
Liability	Responsabilidad
Local Court	Juzgado Municipal
Long Service Leave	Licencia por antigüedad
Lump sum	Suma global
Marked for identification (MFI)	Objeto a identificar (2)
Matter	Causa
Mediator	Mediador
Medium range	Nivel medio
Member	Arbitro
Mention	Mención (2)
Minor (a)	Menor (un/a)
Negligent driving	Conducción negligente (2)
Not guilty	Inocente
Notice	Aviso
Notice of continuance of bail	Aviso de continuación de fianza (2)
Oath	Juramento
Objection	Objeción
Off duty	Fuera de turno
Offence	Delito
Offer	Oferta
On duty	De turno
PCA (Prescribed concentration of alcohol)	Alcoholemia prescita
Pedestrian crossing	Cruce peatonal
Penalty	Multa
Penalty	Pena
Perjury	Perjurio
Personal Injury	Lesión física (2)

Physically abuse	Pegar
Plaint	Demanda
Plead (to)	Declararse
Prima facie case	Caso a prima facie / a primera vista
Proceedings	Causa / proceso
Proof	Comprobante
Prosecutor	Fiscal
Rape	Violación
Re-examination	Re pregunta
Record of Interview	Entrevista policial (2)
Redeem	Librar / redimir
Redemption	Redención / Liquidación / Cancelación
Referee	Arbitro
Remorse	Remordimiento
Rental Bond	Depósito de garantía de alquiler/arriendo
Report	Informe
Residential Tenancies Tribunal	Tribunal de Inquilinatos/Arrendamientos de Viviendas
Respondent	Demandado
Separation	Separación
Settle (to)	Liquidar / Llegar a unacuerdo
Settlement (between people)	Acuerdo / Convenio / Solución
Settlement (of money)	Liquidación / Cancelación / Pago
Short minutes of Order	Acta resumida de la orden (2)
Sick Leave	Licencia por enfermedad
So help me God	Que Dios sea testigo
Solicitor	Abogado
Statement	Declaración
Submission	Alegato
Summons	Citación
Supreme Court	Corte Suprema / Tribunal Supremo
Suspect (a)	Sospechoso
Tenant	Inquilino / Arrendatario
Tender (to)	Presentar como prueba
The prosecution	La acusación
Third Party claim	Reclamación de seguro contra tercero
Threat	Amenaza
To be seved	Recibir
To serve	Entregar
To wit	A saber
Trial	Juicio
Voluntary Retrenchment Scheme	Plan de despido voluntario
Witness	Testigo
Worker's Compensation	Indemnización laboral
Your Honour	Su señoría
Your own free will and choice	Por su propia voluntad y elección
Your Worship	Su señoría

SPANISH	ENGLISH
Accidente automovilístico	Car accident / Road accident
Asalto	Armed robbery / Hold up.
Asesinos	Murderers
Comisaría	Police Station
Contribuyente	Tax payer
Datos personales	Personal details
Delincuentes	Delinquents / criminals
Demanda	Claim / Application
Denuncia	Report
Detener	Detain / Stop
Estafar	To rip off (coll.)
Falsificar	Forge
Hipoteca	Mortgage
Indemnización	Compensation
Indemnizado	On compensation
Inmmobiliaria (la agencia)	Real Estate agency
Jurar	To swear
Multar	To book / to fine
Municipalidad	Council
Sindicato	Union
Violadores	Rapists
Parte (un)	A ticket

TECHNICAL GLOSSARY

ENGLISH	SPANISH
Bend	Curva
Bitumen	Asfalto / Betún
Bump (felt a bump)	Golpe
Collision	Choque / colisión
Cylinder	Cilindro
Factory	Fábrica
Fitter and Turner	Tornero mecánico
Formwork carpenter	Carpintero encofrador
Hand brake	Freno de mano
Lane	Carril
Lattice	Enrejado
Light duties	Trabajo liviano
Motorist	Automovilista
Mound	Montículo
Negligence	Negligencia
Overtake (to)	Pasar
Overtime	Horas extraordinarias
Pedestrian	Peatón
Pipes	Caños
Process line	Línea de montaje
Quote	Presupuesto
Scaffolding	Andamiaje
Skid	Patinar
Speed Advisory sign	Señal de velocidad máxima (2)
Steering	Dirección
Subsidence	Hundimiento
Trellis	Enrejado
Weld (to)	Soldar
Windscreen	Parabrizas

SPANISH	ENGLISH
Acero	Steel
Alambre	Wire
Albañiles	Brick layers
Andamio	Scaffold
Anteojos de protección	Safety goggles
Azulejista	Tiler
Azulejos	Tiles
Bache	Pothole
Banquina	The side of the road
Barra de acero	Steel bar
Bollo	Dent
Calderas	Boilers
Caños	Pipes
Capot	Bonnet
Carretilla	Wheelbarrow
Carril	Lane
Central eléctrica	Power Plant
Chocar	Hit / smash / crash
Chofer	Driver
Choque	Smash / crash / collision
Colectivero	Bus driver
Contrapunta	Tail stock
Desagües	Drains
Embragar	To engage
Empalizada	Paling fence
Fontaneros	Plumbers
Grúas remolcadoras	Tow trucks
Guardabarros	Mudguard
Guiñe	Blinker
Herramienta cortante	Cutting Tool
Hormigón	Concrete
Listón (de madera)	Strip of wood
Maestro de obras	Master builder
Máquinas de cortar pasto	Lawn mowers
Marcos de las puertas	Door frames
Mecanismo de avance automático	Automatic Feed Mechanism
Obrero	Labourer
Operario	Process worker
Pernos	Bolts
Pistola de clavos	Nail gun
Plato (de arrastre)	Driving faceplate
Potencia	Power
Pruebas de agua	Water tests
Radiador	Radiator
Rebajar	Shave off
Repuesto	Part
Rodillos	Rollers

Señalero	Indicator / Blinker
Soldador	Welder
Tablón	Plank
Torno	Lathe
Transportadora	Conveyor belt
Tubos	Pipes
Tuercas	Nuts
Velocidad	Speed
Virutas	Shavings
Volante	Steering Wheel

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